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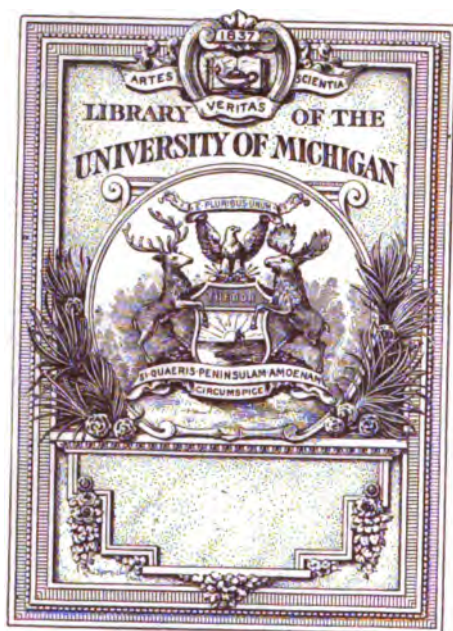
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**HISTORY**  
**OF**  
**SCOTLAND.**

**VOL. III.**

**A**



H I S T O R Y  
OF  
S C O T L A N D.

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1488-1497.

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# HISTORY OF SCOTLAND.

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## CHAP. I. REGENCY OF ALBANY.

1407—1424.

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### CONTEMPORARY PRINCES.

*Kings of England.*

Henry IV.  
Henry V.

*Kings of France.*

Charles VI.  
Charles VII.

*Popes.*

Innocent VII.  
Gregory XII.  
Alexander V.  
John XXIII.  
Martin V.

UPON the king's death, the three estates of the realm assembled in parliament at Perth; and having first made a solemn declaration that James earl of Carrick, then a captive in England, was their lawful king, and that the crown belonged of undoubted right to the heirs of his body, the Duke of Albany, being the next in succession, was chosen regent;<sup>1</sup> and it was determined to send an embassy to the French court, for the purpose of renewing the league of mutual defence and alliance which had so long subsisted between the two

<sup>1</sup> Winton, vol. ii. p. 418.

countries. For this purpose, Sir Walter Stewart of Ralston, Lawder archdeacon of Lothian, along with two esquires, John Gil and John de Leth, were selected to negotiate with France; and their mission, as was to be expected from the exasperated feelings which were common to both countries with regard to their adversary of England, was completely successful. Charles the Sixth, king of France, Louis his brother, Duke of Anjou, and the Duke of Berry, by three separate deeds, each acting in his own name, ratified and confirmed the treaties formerly entered into between their country and the late King of Scotland, and assured the Duke of Albany, then regent of that kingdom, of their resolution to maintain the same firm and inviolate in all time to come.<sup>1</sup>

With regard to England, Albany now earnestly desired the continuance of peace; and it was fortunate that the principles which influenced his government, although selfish, and calculated for the preservation of his own power, proved, at this moment, the best for the interests of the country; whilst the English king, in the possession of the young heir to the throne, and master also of the persons of the chief nobility, who had remained in captivity since the battle of Homildon Hill, was able to assume a decided tone in his negotiations, and exerted an influence over the governor which he had not formerly enjoyed. A short time previous to the king's death, negotiations had been renewed for the continuance of the truce, and for the return of the Earl of Douglas to Scotland. The high value placed upon this potent baron, and the power of weakening Scotland which the English king possessed at this time, may be estimated from the circumstance,

<sup>1</sup> Records of the Parliament of Scotland, pp. 137, 138.

that he would not permit his return, until thirteen hostages, selected from the first families in the country, had repaired to Westminster and delivered themselves to the king.<sup>1</sup> It was one happy effect of the power and wealth which the capture of many noble prisoners necessarily conferred on those to whom they surrendered, that it softened the atrocities of war and diminished the effusion of blood. The only impediments to the continuance of peace arose out of the piracies of English cruisers and armed merchantmen, which, on the slightest provocation, were ready to make prize of any vessels they met, French, Flemish, Genoese, or Scottish; and it is a singular circumstance that, at this early period, we find the English ships beginning to insist on their superior right to the dominion of the seas, which they afterwards so proudly maintained. In 1402, a formal complaint was presented to Henry the Fourth by the magistrates of Bruges, which stated that two fishermen, one belonging to Ostend and the other to Briel, when engaged in the herring fishery of the North Sea, had been captured by the English and carried into Hull, although they lowered their sails the moment they were hailed.<sup>2</sup>

On the other hand, the Scots were not slow to make reprisals; although their power at sea, which we have seen so formidable during the reigns of Edward the Second and Third, appears to have experienced a sensible diminution. In 1404, the fishery on the coast of Aberdeenshire, a source of considerable wealth, had been invaded by the English; a small fleet of Scottish ships was immediately fitted out by Sir Robert Logan,

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 177.

<sup>2</sup> Rymer, *Fœdera*, vol. viii. p. 274, "*quanquam ad primam vocem ipsorum Anglicorum idem Johannes Willes, velum suum declinavit.*" M'Pherson's *Annals of Commerce*, vol. i. p. 612.

who attacked and attempted to destroy some English vessels: but his force was insufficient; his ships were taken, and he himself carried prisoner into the port of Lynne in Norfolk.<sup>1</sup> Stewart earl of Mar, with whose singular courtship and marriage we are already acquainted, after amusing his taste for adventures in foreign war,<sup>2</sup> leading the life of a knight-errant, and dividing his time between real fighting and the recreations of tilts and tournaments, became latterly a pirate, and with a small squadron infested the coast between Berwick and Newcastle, destroying or making prizes of the English vessels.

These hostile invasions, which appear to have been mutually committed on each other by the English and the Scottish merchantmen, were not openly countenanced by either government. No regular maritime laws for the protection of trade and commerce had as yet been practically established in Europe; the vessels which traded from one country to another were the property, not of the nation, but of individuals who, if their own gain or interest interfered, did not consider themselves bound by treaties or truces; and when a ship of greater strength met a small merchantman richly laden, and incapable of resistance, the temptation to make themselves master of her cargo was generally too strong to be resisted.<sup>3</sup> Henry, however, showed himself willing to redress the grievances suffered by the Scottish merchants, as well as to put an end to the frequent infractions of the truce which were committed by the borderers of both nations; and the perpetual grants of letters of safe-conduct to natives of Scotland travelling through England on purposes of devotion,

<sup>1</sup> Walsingham, p. 364.

<sup>2</sup> Juvenal des Ursins, *Histoire de Charles VI.* p. 196.

<sup>3</sup> Rymer, *Fœdera*, vol. viii. pp. 203, 420.

commerce, or pleasure, and eager to show their prowess in deeds of arms, or to seek for distinction in continental war, evinced a sincere anxiety to keep up an amicable relation between the two countries, and to pave the way for a lasting peace.<sup>1</sup>

The return to their country of the two most powerful barons in the state—the Earls of Douglas and of March—with the “stanching of that mortal feud which had long continued between them,” was another event that promised the best effects. The immense estates of March, which during his exile had been occupied by Douglas, were restored to him, with the exception of the lordship of Annandale, and the castle of Lochmaben. These were retained by Douglas; and, in addition to the thirteen noble persons who were compelled to remain in England as hostages for his return, Henry extorted from him a ransom of a thousand marks before he consented to his departure.<sup>2</sup> Amongst the hostages were Archibald Douglas, eldest son of the earl, and James his son; James, the son and heir of James Douglas lord of Dalkeith; Sir William Douglas of Niddesdale, Sir John Seton, Sir Simon Glendinning, Sir John Montgomery, Sir John Stewart of Lorn, Sir William Graham, Sir William Sinclair of Hermandston, and others of the first rank and consequence.<sup>3</sup> The residence of these persons in England, and the care which Henry bestowed upon the education of their youthful monarch, who, though still retained in captivity, was provided with the best masters, treated with uniform kindness, and waited on with

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. pp. 176, 177, 178, 179, 180. Rymer, vol. viii. pp. 416, 430, 445, 450.

<sup>2</sup> *Rotuli Scotiæ*; vol. ii. pp. 182, 184. Harl. MS. 381. f. 212, quoted in Pinkerton's *History*, vol. i. p. 87. Fordun a Goodal, vol. ii. p. 444.

<sup>3</sup> *Rotuli Scotiæ*, vol. ii. pp. 181, 182.

the honours due to his rank, contributed to increase the amicable intercourse between the two countries, and to give to both a short and happy interval of peace.

It was in the midst of this pacific period that the doctrines of Wickliff for the first time appeared in Scotland; and the flames of war had scarcely ceased, when the more dreadful flames of religious persecution were kindled in the country. John Resby, an English priest of the school of this great reformer, in whose remarkable works are to be found the seeds of almost every doctrine of Luther, had passed into Scotland, either in consequence of the persecutions of Wickliff's followers, which arose after his death, or from a desire to propagate the truth. After having for some time remained unnoticed, the boldness and the novelty of his opinions at length awakened the jealousy of the church; and it was asserted that he preached the most dangerous heresies. He was immediately seized by Laurence of Lindores, an eminent doctor in theology, and compelled to appear before a council of the clergy, where this inquisitor presided. Here he was accused of maintaining no fewer than forty heresies, amongst which the principal were, a denial of the authority of the pope as the successor of St Peter; a contemptuous opinion of the utility of penances and auricular confession; and an assertion that an absolutely sinless life was necessary in any one who dared to call himself the Vicar of Christ.<sup>1</sup>

Although Resby was esteemed an admirable preacher by the common people, his eloquence, as may easily be supposed, had little effect upon the bench of ecclesiastical judges before whom he defended himself. Laurence of Lindores was equally triumphant in his

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 442, 443.

confutation of the written conclusions, and in his answers to the spoken arguments by which their author attempted to support them; and the brave but unfortunate inquirer after the truth, was barbarously condemned to the flames, and delivered over to the secular arm. The cruel sentence was carried into immediate execution; and he was burnt at Perth in the year 1407, his books and writings being consumed in the same fire with their master. It is probable that the church was stimulated to this unjustifiable severity by Albany the governor, whose bitter hatred to all Lollards and heretics, and zeal for the purity of the Catholic faith, are particularly recorded by Winton.<sup>1</sup>

And here, in the first example of persecution for religious opinions which is recorded in our history, the inevitable effects of such a course were clearly discernible in the increased zeal and affection which were evinced for the opinions which had been sealed by the blood of the preacher. The conclusions and little pamphlets of this early reformer were carefully concealed and preserved by his disciples; and any who had imbibed his opinions evinced a resolution and courage in maintaining them, which resisted every attempt to restore them to the bosom of the church. They did not dare, indeed, to disseminate them openly, but they met, and read, and debated in secret; and the doctrines which had been propagated by Resby, remained secretly cherished in the hearts of his disciples, and reappeared after a few years in additional strength, and with a spirit of more active and determined proselytism.<sup>2</sup> It is not improbable also, that

<sup>1</sup> Winton's Chronicle, vol. ii. p. 419.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 442. Appendix to Dr M'Crie's Life of Melville, vol. i. p. 418.



amongst Resby's forty heretical conclusions were included some of those doctrines regarding the origin and foundation of the power of the civil magistrate and the rights of the people, which, being peculiar to the Lollards, were regarded with extreme jealousy by the higher orders in the state; and Albany's persecution of the heretics may have proceeded as much upon civil as on religious grounds.

Since the fatal battle of Durham, the castle of Jedburgh had been kept by the English. In its masonry, it was one of the strongest built fortresses in Scotland; and its garrison, by their perpetual attacks and plundering expeditions, had given great annoyance to the adjacent country. The moment the truce expired the Teviotdale borderers recommenced the war, by reducing this castle; but on attempting to destroy the fortifications, it was found, that such was the induration and tenacity of the mortar, that the whole walls and towers seemed one mass of solid stone; and that the expense of razing and levelling the works would be great. In a parliament held at Perth, a proposal was made to raise the sum required by a general tax of two pennies upon every hearth in the kingdom. But this the governor opposed, observing, that during the whole course of his administration, no such tax had ever been, or ever should be levied; and that they who countenanced such an abuse merited the maledictions of the poor. He concluded by giving orders that the sum required should be paid to the lords marchers out of the royal customs,—a liberality which was much extolled, and gained him high credit with the people.<sup>1</sup>

In the following year, a violent remonstrance was

<sup>1</sup> Fordun a Goodal, vol. ii. p. 444.

addressed by the English monarch to the Duke of Albany, complaining of the delay of the Earl of Douglas to fulfil his knightly word, by which he had solemnly engaged to return to his captivity, and threatening to use his hostages according to the laws of war, and to pursue the earl himself as a perjured rebel, if within a month he did not re-enter his person in ward. Douglas had, in truth, delayed his return to England a year beyond the stipulated period; and as the castle of Jedburgh was situated within his territories, it was naturally supposed by Henry that he had not been over scrupulous in observing the strict conditions of amity, and adherence to the "party of the King of England," to which he had set his hand and seal before regaining his liberty. Matters, however, were amicably composed between the offended monarch and his prisoner; and Douglas, having permanently purchased his liberty by the payment of a high ransom, once more returned to assume his wonted authority in the councils of the country.<sup>1</sup>

For some time after the reduction of Jedburgh, the war presented few features of interest or importance. Fast castle, a strength considered impregnable from its peculiar situation, had been occupied, during the convulsions of the times, by an English adventurer named Holder, who, combining the avocations of a freebooter on shore and a pirate at sea, became the terror of the country round his retreat. For such purposes the castle was admirably adapted. It was built upon a high rock overhanging the German ocean, so rugged and precipitous, that all attack on that side was impossible; and it communicated with the adjoining country by a narrow neck of land, defended by a

<sup>1</sup> Rymer, *Fœdera*, vol. viii. p. 478.

barbican, where a handful of resolute men could have defied an army. Notwithstanding these difficulties, Patrick Dunbar, son of the Earl of March, made himself master of the castle, and delivered the country from the depredations of its ferocious lord; but the particulars of the enterprise are unfortunately lost, and we only know that it was distinguished by the utmost address and courage.<sup>1</sup>

About the same time Gawin Dunbar, March's second son, and Archibald Douglas of Drumlanrig, attacked and gave to the flames the town of Roxburgh, then in possession of the English; but these partial successes were more than counterbalanced by the losses sustained by the Scots. Sir Robert Umfraville vice-admiral of England, with a squadron of ten ships of war, broke into the Forth, ravaged the country on both sides, and collected an immense booty, after which he swept the seas with his fleet, and made prizes of fourteen Scottish merchantmen. At the time of Umfraville's invasion, there happened to be a grievous dearth of grain in England, and the quantity of corn which he carried off from Scotland so materially reduced the prices of provisions, that it procured him the popular surname of Robin Mendmarket. On another occasion, the same experienced leader who had charge of the military education of Gilbert Umfraville, titular Earl of Angus, determined to hold a military array in honour of his youthful pupil, who had just completed his fourteenth year. His banner, accordingly, was raised for the first time amidst the shouts of his vassals; and the festivities were concluded by a border "raid," in which Jedburgh was sacked during its public fair, and reduced to ashes.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 444. "Non minus subtiliter quam viriliter."

But the attention of the country was soon after this diverted from such brief and insulated hostilities to an event of a more serious and formidable nature, which shook the security of the government, and threatened to dismember a portion of the kingdom. This was the rebellion of Donald lord of the Isles, of which the origin and the effects merit particular consideration. The ancient line of barons, which for a long period of years had succeeded to the earldom of Ross, ended at length in a female, Euphemia Ross, married to Sir Walter Lesley. Of this marriage there were two children : Alexander, afterwards Earl of Ross, and Margaret, married to Donald lord of the Isles. Alexander earl of Ross married a daughter of the Duke of Albany, and had by her an only daughter, Euphemia countess of Ross, who became a nun, and resigned the earldom of Ross in favour of her uncle, John earl of Buchan. This destination of the property the Lord of the Isles steadily and haughtily resisted. He contended, that by Euphemia taking the veil, she became civilly dead ; and that the earldom of Ross belonged lawfully to him, in right of Margaret his wife.<sup>1</sup> His plea was at once repelled by the governor ; and this noble territory, which included the Isle of Skye, and a district in the mainland equal in extent to a little kingdom, was declared to be the property of the Earl of Buchan. But the island prince, who had the pride and the power of an independent monarch, derided the award of Albany, and, collecting an army of ten thousand men, prepared not only to seize the disputed county, but determined to carry havock and destruction into the heart of Scotland. Nor, in the midst of these ferocious designs, did he want somewhat of a statesmanlike policy, for he engaged in repeated alliances

<sup>1</sup> Sutherland Case, by Lord Hailes, chap. v. § 7.

with England; and as the naval force which he commanded was superior to any Scottish fleet which could be brought against him, his co-operation with the English in their attacks upon the Scottish commerce, was likely to produce very serious effects.<sup>1</sup>

When his preparations were completed, he at once broke in upon the earldom at the head of his fierce multitudes, who were armed after the fashion of their country, with swords fitted both to cut and thrust, pole-axes, bows and arrows, short knives, and round bucklers formed of wood, or strong hide, with bosses of brass or iron. The people of the country readily submitted to him—to have attempted opposition, indeed, was impossible; and these northern districts had for many centuries been more accustomed to pay their allegiance to the Norwegian yarls, or pirate kings, whose power was at their door, than to acknowledge the remote superiority of the Scottish crown. At Dingwall, however, he was encountered by a formidable opponent in Angus Dhu, or Black Angus, who attacked him with great fierceness, but was overpowered and made prisoner, after his brother Roderic Gald and the greater part of his men had been cut to pieces.

The Lord of the Isles then ordered a general rendezvous of his army at Inverness, and sent his summons to levy all the fighting men in Boyne and Enzie, who were compelled to follow his banner and to join the soldiers from the Isles: with this united force, consisting of the best levies in the islands and the north, he swept through Moray, meeting with none, or the most feeble resistance; whilst his soldiers covered the land like locusts, and the plunder of money, arms, and provisions, daily gave them new spirits and energy.

<sup>1</sup> Rymer, *Fœdera*, vol. viii. pp. 418, 527.

Strathbogie was next invaded ; and the extensive district of Garvyach, which belonged to his rival the Earl of Mar, was delivered up to cruel and indiscriminate havock. It had been the boast of the invader that he would burn the rich burgh of Aberdeen, and make a desert of the country to the shores of the Tay ; and as the smoke of his camp-fires was already seen on the banks of the Don, the unhappy burghers began to tremble in their booths, and to anticipate the realization of these dreadful menaces.<sup>1</sup> But their spirits soon rose when the Earl of Mar, whose reputation as a military leader was of the highest order, appeared at the head of an army, composed of the bravest knights and gentlemen in Angus and the Mearns, and declared his resolution of instantly advancing against the invader. Mar had the advantage of having been bred up in the midst of highland war, and at first distinguished himself, as we have seen, by his predatory expeditions at the head of the highlanders. But his marriage with the Countess of Mar, and his reception at court, appear to have effectually changed his character : the savage habits of his early life were softened down, and left behind them a talent for war, and an ambition for renown, which restlessly sought for employment wherever there was a chance of gaining distinction. When on the continent, he had offered his services to the Duke of Burgundy ; and the victory at Liege was mainly ascribed to his skill and courage : so that his reputation abroad was as distinguished as at home. In a short time he found himself at the head of the whole power of Mar and Garvyach, in addition to that of Angus and the Mearns ; Sir Alexander Ogilvy sheriff of Angus, Sir James Scrymgeour constable of Dundee and hereditary standard-bearer of

<sup>1</sup> Fordun a Goodal, vol. ii. p. 445.

Scotland, Sir Alexander Irving, Sir Robert Melville, Sir William de Abernethy, nephew to Albany, and many other barons and esquires, with their feudal services, joined him with displayed banner; and Sir Robert Davidson, the provost of Aberdeen, and a troop of the stoutest burgesses, came forward to defend their hearths and their stalls from the ravages of the Lord of the Isles.

Mar immediately advanced from Aberdeen, and, marching by Inverury, came in sight of the highlanders at the village of Harlaw, on the water of Ury, not far from its junction with the Don. He found that his little army was immensely outnumbered, it is said, by nearly ten to one; but it consisted of the bravest barons in these parts; and his experience had taught him to consider a single knight in steel as a fair match against a whole troop of *ketherans*. Without delay, therefore, he intrusted the leading of the advance to the Constable of Dundee and Ogilvy the sheriff of Angus, who had with them a small but compact battalion of men-at-arms; whilst he himself followed with the rearward, composed of the main strength of his army, including the Irvings, the Maules, the Morays, the Straitons, the Lesleys, the Stirlings, the Lovels, headed by their chiefs, and with their banners and penoncelles waving amid their grove of spears. Of the islesmen and highlanders, the principal leaders were the Lord of the Isles himself, with Macintosh and Maclean, the heads of their respective septs, and innumerable other chiefs and chieftains, animated by the old and deep-rooted hostility between the Celtic and Saxon race.<sup>1</sup>

<sup>1</sup> In one of the Macfarlane MSS. preserved in the Advocates' Library, entitled, "A Geographical Description of Scotland," (vol. i. pp. 7, 20,) will be found a minute description of the locality of this battle. See Illustrations, letter A.

The shock between two such armies may be easily imagined to have been dreadful : the highlanders, who were ten thousand strong, rushing on with the fierce shouts and yells which it was their custom to raise in coming into battle, and the knights meeting them with levelled spears, and ponderous maces and battle-axes. In his first onset, Scrymgeour, and the men-at-arms who fought under him, with little difficulty drove back the mass of islesmen, and, cutting his way through their thick columns, made a cruel slaughter. But though hundreds fell around him, thousands poured in to supply their place, more fierce and fresh than their predecessors ; whilst Mar, who had penetrated with his main army into the very heart of the enemy, found himself in the same difficulties, becoming every moment more tired with slaughter, more encumbered with the numbers of the slain, and less able to resist the increasing and reckless ferocity of the masses that still yelled and fought around him. It was impossible that this should continue much longer without making a fatal impression on the Scots ; and the effects of fatigue were soon seen. The Constable of Dundee was slain ; and the highlanders, encouraged by his fall, wielded their broadswords and Lochaber axes with murderous effect ; seizing and stabbing the horses, and pulling down their riders, whom they despatched with their short daggers. In this way were slain some of the best soldiers of these northern districts. Sir Robert Davidson, with the greater part of the burgesses who fought around him, were amongst the number ; and many of the families lost not only their chief, but every male in the house. Lesley of Balquhain, a baron of ancient lineage, is said to have fallen with six of his sons slain beside him. The Sheriff of Angus, with his eldest son George Ogilvy, Sir Alexander Irving of



Drum,<sup>1</sup> Sir Robert Maule, Sir Thomas Moray, William Abernethy, Alexander Straiton of Lauriston, James Lovel, Alexander Stirling, and above five hundred men-at-arms, including the principal gentry of Buchan, shared their fate;<sup>2</sup> whilst Mar himself, and a small number of the survivors, still continued the battle till nightfall. The slaughter then ceased; and it was found in the morning that the island lord had retreated by Inverury and the hill of Benochie, checked and broken certainly by the desperate contest, but neither conquered nor very effectually repulsed. Mar, on the contrary, although he passed the night on the field, did so, not in the triumphant assertion of victory, but from the effects of wounds and exhaustion: the best and bravest of his friends were stretched around him; and he found himself totally unable to pursue the retreat of the islesmen. Amongst those of the highlanders who fell were the chiefs of Maclean and Macintosh, with upwards of nine hundred men: a small loss compared with that sustained by the lowlanders. The battle was fought on St James's Eve, the twenty-fourth of July; and from the ferocity with which it was contested, and the dismal spectacle of civil war and bloodshed exhibited to the country, it appears to have made a deep impression on the national mind. It fixed itself in the music and the poetry of Scotland. A march, called the Battle of Harlaw, continued to be a popular air down to the time of Drummond of Hawthornden; and a spirited

<sup>1</sup> There is a tradition in the family of Irving of Drum, that the Laird of Maclean was slain by Sir Alexander Irving. *Genealogical Collections*, MS. Adv. Library, Jac. V. 4, 16. vol. i. p. 180. Irving was buried on the field, where in ancient times a cairn marked the place of his interment, which was long known by the name of Drum's Cairn. *Kennedy's Annals of Aberdeen*, vol. i. p. 51.

<sup>2</sup> *Fordun a Hearne*, pp. 1175, 6. *Extracta ex Chronicis Scotiæ*, MS. fol. 257.

ballad, on the same event, is still repeated in our own age, describing the meeting of the armies, and the deaths of the chiefs, in no ignoble strain.<sup>1</sup> Soon after the battle, a council-general was held by the governor, in which a statute was passed in favour of the heirs of those who had died in defence of the country, exempting them from the feudal fines usually exacted before they entered upon possession of their estates, and permitting them, although minors, immediately to serve heirs to their lands. It will perhaps be recollected, that Bruce, on the eve of the battle of Bannockburn, encouraged his troops by a promise of the like nature.<sup>2</sup>

It was naturally suspected by Albany, that the chief of the Isles, who was crippled rather than conquered, had only fallen back to refresh his men and procure reinforcements from Ross-shire and the Hebrides; and as the result of the battle had shown, that however inferior in arms or in discipline, the highlanders could make up for these disadvantages in numbers and ferocity, a renewal of the invasion was anticipated with alarm; and Albany determined to prevent it by an unwonted display of military spirit and activity. He collected an army in the autumn; marched in person to Dingwall, one of the principal castles of the ancient Earls of Ross, situated at the west end of the Cromarty Firth; and having made himself master of it, appointed a governor, and proceeded to repossess himself of the whole county of Ross. Donald, how-

<sup>1</sup> Battle of Harlaw. Laing's Early Metrical Tales, p. 229.

<sup>2</sup> *Supra*, vol. i. p. 282. The fact mentioned in the text is proved by a *Retour* in the Cartulary of Aberdeen, fol. 121, in favour of Andrew de Tullidiff, whose father, William de Tullidiff, was slain at Harlaw. It was pointed out to me by my friend Mr Thomson, Deputy-clerk-register, to whom this volume is under repeated obligations. See Illustrations, letter B.

ever, fell back upon his island strengths, and during the winter defied his enemies; but as soon as the summer permitted the resumption of hostilities, Albany again attacked him; and after a war conducted with various success, the island king was compelled to lay down his assumed independence, and give up all claim to the earldom of Ross; to consent to become a vassal of the Scottish crown, and to deliver hostages for his future good behaviour. The treaty was concluded at Polgilbe or Polgillip, now Loch Gilp, an arm of the sea running into the district of Knapdale in Argyle.<sup>1</sup> This successful termination of a rebellion, which appeared so formidable in its commencement, was followed by a truce with England, in which it was declared, that from the river Spey in Scotland to the Mount of St Michael in Cornwall, all hostilities between the two countries should cease after the 17th of May, 1412, for the period of six years.<sup>2</sup>

Albany now became impatient for the return of his eldest son, who had remained a captive in England since the battle of Homildon. As he felt the approach of age, he was desirous of making a quiet transfer of his power in the government into the hands of his own family; and various negotiations regarding the hostages to be delivered for Murdoch, and the ransom which was claimed, had already taken place, but without success; whilst the total indifference evinced by the governor to the prolonged captivity of the sovereign, clearly showed, that if age had impaired his strength, it had in no degree awakened his remorse, or stifled his ambition. It was evident that he intended his son to succeed him in the high authority

<sup>1</sup> Fordun & Hearne, p. 1177. Macpherson's Geographical Illustrations, voce Polgylbe.

<sup>2</sup> Rymer, Foedera, vol. viii. p. 737.

which he had so long usurped; and Sir Walter Stewart of Ralston and John de Leth were engaged in a final treaty for the return of the future governor, when their proceedings were suddenly interrupted by the death of Henry the Fourth, and the accession of a new sovereign to the English throne.<sup>1</sup>

The uncertain tenure by which the crown had been held by Henry the Fourth, and his consequent anxiety to ward off all foreign attack when his attention was required in suppressing conspiracy at home, had contributed greatly to preserve the peace with Scotland; and under his successor, Henry the Fifth, the great designs of this youthful conqueror against France, and his subsequent invasion of that kingdom, rendered it as materially his interest, as it had been that of his predecessor, to maintain pacific relations with that country. In this view, the possession of the King of Scotland, and the eldest son of the regent, gave him a hold over the politics of the country, which he employed with great skill and effect in weakening the enmity and neutralizing the hostile schemes of those parties which were opposed to his wishes, and inclined to renew the war.

But it is necessary here for a moment to interrupt the narrative, in order to fix our attention upon a spectacle which, amid the gloomy pictures of foreign or domestic war, offers a refreshing and pleasing resting place to the mind. This was the establishment of the University of St Andrews, by Henry Wardlaw, the bishop of that see, to whom belongs the unfading honour of being the founder of the first university in Scotland, the father of the infant literature of his country. Before this time, the generosity of the Lady

<sup>1</sup> Rymer, *Fœdera*, vol. viii. pp. 708, 735, 775.

Devorguilla, the wife of John Baliol, had established Baliol College in Oxford in the end of the thirteenth century ; and we have seen the munificence of a Scottish prelate, the Bishop of Moray, distinguishing itself by the institution of the Scottish College of Paris in 1326 ; but it was reserved for the enlightened spirit of Wardlaw to render unnecessary the emigration of our Scottish youth to these and other foreign seminaries, by opening the wells of learning at home ; and, in addition to the various schools which were connected with the monasteries, by conferring upon his country the distinction of a university, protected by papal sanction, and devoted to the cultivation of what were then esteemed the higher branches of science and philosophy. The names of the first professors in this early institution have been preserved. The fourth book of the Sentences of Peter Lombard was explained by Laurence of Lindores, a venerable master in theology, whose zeal for the purity of the Catholic faith had lately been displayed in the condemnation of John Resby the Wickliffite at Perth. The importance then attached to an education in the canon law, was shown by its being taught and expounded by four different masters, who conducted their pupils from its simplest elements to its most profound reasonings. These were Richard Cornel archdeacon of Lothian, John Litstar canon of St Andrews, John Shevez official of St Andrews, and William Stevens afterwards bishop of Dunblane ; whilst in philosophy and logic the lectures were delivered by John Gill, William Fowlis, and William Crosier. These learned persons commenced their prelections in 1410, immediately after the feast of Pentecost, and continued their labours for two years and a half. But although a communication with Rome had taken place, the

establishment was yet unsanctioned by that authority, without which all such institutions were then considered imperfect.<sup>1</sup>

At length, on the 3d of February, 1413, Henry Ogilvy, master of arts, made his entry into the city, bearing the papal bulls, which endowed the infant seminary with the high and important privileges of a university; and his arrival was welcomed by the ringing of bells from the steeples, and the tumultuous joy of all classes of the inhabitants. On the following day, being Sunday, a solemn convocation of the clergy was held in the refectory; and the papal bulls having been read in presence of the bishop, the chancellor of the university, they proceeded in procession to the high altar, where *Te Deum* was sung by the whole assembly; the bishops, priors, and other dignitaries, being arrayed in their richest canonicals, whilst four hundred clerks, besides novices and lay-brothers, prostrated themselves before the altar, and an immense multitude of spectators bent their knees in gratitude and adoration. High mass was then celebrated; and when the service was concluded, the remainder of the day was devoted to mirth and festivity. In the evening, bonfires in the streets, peals of bells, and musical instruments, processions of the clergy, and joyful assemblies of the people, indulging in the song, the dance, and the wine-cup, succeeded to the graver ceremonies of the morning; and the event was welcomed by a boisterous enthusiasm, more befitting the brilliant triumphs of war, than the quiet and noiseless conquests of science and philosophy.

The first act of Henry the Fifth which affected Scotland, seemed to indicate an extremity of suspi-

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 445, 446.

cion, or a promptitude of hostility, which were equally alarming. His father died on the 20th of March, and on the succeeding day the king issued orders, that James king of Scotland, and Murdoch earl of Fife, should be committed to the Tower.<sup>1</sup> It would appear, however, by the result, that this was more a measure of customary precaution, enforced upon all prisoners upon the death of the sovereign to whom their parole had been given, than of any individual hostility. It was believed that the prisoners might avail themselves of a notion, that during the interval between the death of one king and the accession of another, they were not bound by their parole, but free to escape; and this idea is confirmed by the circumstance of their being liberated from the Tower within a short time after their commitment.

Henry's great designs in France rendered it, as we have already remarked, absolutely necessary for him to preserve his pacific relations with Scotland; and, under a wise and patriotic governor, the interval of rest which his reign afforded to that country might have been improved to the furtherance of its best interests. But Albany, had he even been willing, did not dare to employ in this manner the breathing time allowed him. As a usurper of the supreme power, he was conscious that he continued to hold it only by the sufferance of the nobles; and in return for their support, it became necessary for him to become blind to their excesses, and to pass over their repeated delinquencies. Dilapidation of the lands and revenues of the crown, invasions of the rights of private property, frequent murders arising from the habit of becoming the avengers of their own quarrel, and a

<sup>1</sup> Fœdera, vol. ix. p. 2.

reckless sacrifice of the persons and liberties of the lower classes in the community, were crimes of perpetual recurrence, which not only escaped with impunity, but whose authors were often the very dignitaries to whom the prosecution and the punishment belonged; whilst the conduct of the governor himself, in his unremitting efforts for the aggrandizement of his own family, increased the evil by the weight of his example, and the pledge which it seemed to furnish that no change for the better would be speedily attempted.

During the few remaining years of Albany's administration, two objects are seen to be constantly kept in view: the restoration of his son, Murdoch Stewart, and the retention of his sovereign, James the First, in captivity; and in both his intrigues were successful. It was impossible for him, indeed, so effectually to keep down the hereditary animosity between the two nations, as to prevent it from breaking forth in border inroads and insulated acts of hostility; but a constant succession of short truces, and a determination to discourage every measure which might have the effect of again plunging the country into war, succeeded in conciliating the English king, and rendering him willing to agree to the return of his son to Scotland. In consequence of this an exchange was negotiated: young Henry Percy, the son of the illustrious Hotspur, who, since the rebellion and death of his grandfather the Earl of Northumberland, had remained in Scotland, returned to England, and was reinstated in his honours; whilst Murdoch Stewart was finally liberated from his captivity, and restored to the desires rather of his father than of his country. It was soon, however, discovered, that his character was of that unambitious and feeble kind, which unfitted him for



the purposes which had made his return so anxiously expected by the governor.

In his attempts to accomplish his second object, that of detaining his sovereign a prisoner in England, Albany experienced more serious difficulties. James's character had now begun to develop those great qualities which, during his future reign, so highly distinguished him. The constant intercourse with the court of Henry the Fourth which was permitted to Scottish subjects, had enabled many of his nobility to become acquainted with their youthful sovereign; these persons he found means to attach to his interest; and, upon their return, they employed their utmost efforts to traverse the designs of Albany. Owing to their influence, a negotiation for his return to his dominions took place in 1416, by the terms of which the royal captive was to be permitted to remain for a certain time in Scotland, upon his leaving in the hands of the English king a sufficient number of hostages to secure the payment of a hundred thousand marks, in the event of his not delivering himself within the stipulated period.<sup>1</sup> To the Bishop of Durham, and the Earls of Northumberland and Westmoreland, was intrusted the task of receiving the oaths of the Scottish king and his hostages; whilst the treaty had been so far successful, that letters of safe-conduct were granted to the Bishops of St Andrews and Glasgow, the Earls of Crawford, Douglas, and Mar, Murdoch Stewart, Albany's eldest son, and John his brother, Earl of Buchan, to whom the final adjustment was to be committed. But from what cause cannot now be discovered, the treaty, when on the eve of being concluded, mysteriously broke off. Whether it was owing to the intrigues of the governor, or the jealousy of

<sup>1</sup> Rymer, *Fœdera*, vol. ix. pp. 341, 417.

Scottish influence in the affairs of France, Henry became suddenly cool, and interrupted the negotiation, so that the unfortunate prince saw himself at one moment on the eve of regaining his liberty, and being restored to the kingdom which was his rightful inheritance, and the next remanded back to his captivity, and condemned to the misery of that protracted hope which sickens the heart. Are we to wonder that his  
• resentment against the man whose base and selfish intrigues he well knew to be the cause of the failure of the negotiation, should have assumed a strength and a violence which, at a future period, involved not only himself but his whole race in utter ruin?

In the meantime, however, the power of the state was fixed too firmly in the hands of Albany for the friends of the young king to defeat his schemes; and as the governor began to suspect that a continuance of peace encouraged intrigues for the restoration of James and his own deposition, he determined, as soon as the last short truce had expired, not only to invade England, but to send over an auxiliary force to the assistance of France. The object of all this was apparent: a war gave immediate employment to the restless spirits of the nobility; it at once interrupted their intercourse with their captive sovereign; it necessarily incensed the English monarch; put an end to that kind and conciliatory spirit with which he had conducted his correspondence with that country; and rendered it almost certain that he would retain the royal captive in his hands.

The baseness of Albany in pursuing this line of policy cannot be too severely condemned. If ever there was a period in which Scotland could have enjoyed peace with security and with advantage, it was the present. The principles upon which Henry

the Fifth acted with regard to that country, were those of perfect honour and good faith. All those ideas of conquest, so long and so fondly cherished by the English kings since the days of Edward the First, had been renounced, and the integrity and independence of the kingdom completely acknowledged. In this respect, the reigns of Edward the Third and Henry the Fifth offer as striking a contrast in the conduct pursued by these two monarchs towards Scotland, as they present a brilliant parallel in their ambitious attacks upon France. The grasping and gigantic ambition of Edward the Third was determined to achieve the conquest of both countries; and it must be allowed that he pursued his object with great political ability; but his failure in this scheme, and the unsuccessful result of the last invasion by Henry the Fourth, appear to have convinced his warlike son that two such mighty designs were incompatible, and that one of the first steps towards ultimate success in his French war, must be the complete restoration of amity with Scotland.

It was now, therefore, in the power of that country to enjoy a permanent peace, established on the basis of independence. The King of England was ready to deliver to her a youthful sovereign of great talents and energy, who, although a captive, had been educated at his father's court with a liberality which had opened to him every avenue to knowledge; and under such a reign, what might not have been anticipated, in the revival of good order, the due execution of the laws, the progress of commerce and manufactures, the softening the harshness and tyranny of the feudal aristocracy, and the gradual amelioration of the middle and lower classes of the community? Yet Albany hesitated not to sacrifice all this fair prospect of

national felicity to his individual ambition, and once more plunged the country into war, for the single purpose of detaining his sovereign in captivity, and transferring the power which he had so long usurped into the hands of his son. For a while he succeeded; but he little anticipated the dreadful reckoning to which those who now shared his guilt and his triumph were so soon to be called.

His talents for war, however, were of a very inferior description. An expedition which he had meditated against England in a former year, in which it was commonly reported that he was to besiege Berwick at the head of an army of sixty thousand men, and that the cannon and warlike machines to be employed in the enterprise had already been shipped on board the fleet, concluded in nothing; for neither army nor artillery ever appeared before Berwick.<sup>1</sup> Nor was his second invasion much more successful. He laid siege, indeed, to Roxburgh, and the miners had commenced their operations, when news was brought to his camp that the Duke of Bedford, to whom Henry, during his absence in France, had intrusted the protection of the borders, was advancing, by rapid marches, at the head of an army of forty thousand men. Albany had foolishly imagined that the whole disposable force of England was then in France with the king; but, on discovering his mistake, he precipitately abandoned the siege, and, without having achieved any thing in the least degree correspondent to his great preparations, retreated into Scotland. The invasion, from its inglorious progress and termination, was long remembered in the country by the contemptuous appellation of "the foul raid."<sup>2</sup>

<sup>1</sup> Walsingham, p. 399. Fordun a Goodal, vol. ii. p. 440.

<sup>2</sup> Rymer, *Fœdera*, vol. ix. p. 307. A. D. 1415.

But if the war was carried on in this feeble manner by Albany, the English cannot be accused of any such inglorious inactivity. On the contrary, Henry had left behind him as guardians of the marches, some of his bravest and most experienced leaders; and amongst these, Sir Robert Umfraville governor of Berwick, eager to emulate the exploits of his countrymen in France, invaded Scotland by the east marches, and committed dreadful havock and devastation. The whole country was reduced into one wide field of desolation, and the rich border towns of Hawick, Selkirk, Jedburgh, Lauder, Dunbar, with the numerous villages, hamlets, and granges of Teviotdale and Liddesdale, were burnt to the ground; whilst the solitary success upon the part of Scotland seems to have been the storming of Wark castle by William Haliburton, which, however, was soon afterwards retaken by Sir Robert Ogle, and the whole of the Scottish garrison put to the sword.<sup>1</sup>

It was not long after this that the dauphin despatched the Duke of Vendome on an embassy to the Scottish court. Its object was to request assistance against the English; and a parliament having been immediately assembled, it was determined by the governor to send into France a large auxiliary force, under the conduct of his second son, Sir John Stewart earl of Buchan, and the Earl of Wigtown. The vessels for the transport of these troops were to be furnished by France; and the King of Castile, with the Infanta of Arragon, who were in alliance with the Scots, had promised to fit out forty ships for the emergency. Alarmed at a resolution which might produce so serious a diversion in favour of his enemies,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 458. Hardyng's Chronicle, p. 382.

Henry instantly despatched his letters to his brother the Duke of Bedford, on whom, during his absence in France, he had devolved the government, directing him to seize and press into his service, in the various seaports where they could be found, a sufficient number of ships and galleons, to be armed and victualled with all possible despatch, for the purpose of intercepting the Scottish auxiliaries. But the command was either disregarded, or came too late; for seven thousand Scottish troops, amongst whom were the flower of the nobles of the country, were safely landed in France, and were destined to distinguish themselves in a signal manner in their operations against the English.<sup>1</sup>

For a year, however, they lay inactive, and during this period important changes took place in Scotland. Albany the governor, at the advanced age of eighty, died at the palace of Stirling, on the 3d of September, 1420.<sup>2</sup> If we include the period of his management of the state under his father and brother, he may be said to have governed Scotland for thirty-four years; but his actual regency, from the death of Robert the Third to his own decease, did not exceed fourteen years.<sup>3</sup> So effectually had he secured the interest of the nobility, that his son succeeded, without opposition, to the power which his father had so ably and artfully consolidated. No meeting of the parliament, or of any council of the nobility, appears to have taken place; and the silent assumption of the authority and name of governor by Duke Murdoch, during the continued

<sup>1</sup> Extracta ex Chronicis Scotiæ, MS. p. 262. See Illustrations, C.

<sup>2</sup> It was stated, in the former editions of this work, that Albany died in Sept. 1419. But I am indebted to my old friend Mr Napier, for the correction of this error in the Appendix to his valuable life of his great ancestor, the Inventor of the Logarithms, Appendix, p. 525.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 466. Extracta ex Chronicis Scotiæ, p. 263, MS.

captivity of the king, was nothing else than a bold act of treason.<sup>1</sup> It was soon apparent, however, that the dangerous elevation was rather thrust upon him by his party than chosen by himself; and that he possessed neither the talents nor the inclination to carry on that system of usurpation of which his father had raised the superstructure, and no doubt flattered himself that he had secured the foundations. Within four years, under the weak, gentle, and vacillating administration of Murdoch, it crumbled away, and gave place to a state of rude and unlicensed anarchy. The nobility, although caressed and flattered by Albany, who, in his desire to attain popularity, had divided amongst them the spoils of the crown lands, and permitted an unsafe increase of individual power, had yet been partially kept within the limits of authority; and if the laws were not conscientiously administered, they were not openly outraged. But under the son all became, within a short time, one scene of rude unlicensed anarchy; and it was evident that, to save the country from ruin, some change must speedily take place. In the meantime, Henry the Fifth, alarmed at the success of the strong auxiliary force which the Earls of Buchan and Wigtown had conducted to France, insisted upon his royal captive James the First accompanying him in his expedition to renew the war in that country, having first entered into an engagement with that prince, by which he promised to permit him to revisit his dominions for a stipulated period, and under the condition of his delivering into the hands of England a sufficient number of hostages for his return.<sup>2</sup>

<sup>1</sup> In Macfarlane's Genealogical Collections, MS. vol. i. p. 3, is a precept of sasine by Duke Murdoch to the Laird of Balfour, in which he styles himself "*Regni Scotiæ Gubernator.*"

<sup>2</sup> Rymer, *Fœdera*, vol. x. pp. 19, 125.

Archibald earl of Douglas, the most powerful noble in Scotland, appears at this time to have deeply interested himself in the return of James to his dominions. He engaged to assist Henry in his French war with a body of two hundred knights and squires, and two hundred mounted archers; and that prince probably expected that the Scottish auxiliaries would be induced to detach themselves from the service of the dauphin, rather than engage in hostilities with their rightful sovereign. According to the English historians, the Scottish king, when requested by Henry to command his subjects on their allegiance to leave the service of France, replied, that as long as he remained a prisoner it neither became him to issue, nor them to obey such an order. But he added, that to win renown as a private knight, and to be instructed in the art of war under so great a captain, was an opportunity he willingly embraced. Of the particulars of his life at this period, no account remains, but there is ample evidence that he was in constant communication with Scotland. His private chaplain William de Mirton, Alexander de Seton lord of Gordon, William Fowlis secretary to the Earl of Douglas, and in all probability many others, were engaged in secret missions, which informed him of the state of parties in his dominions, of the weak administration of Murdoch, the unlicensed anarchy which prevailed, and the earnest wishes of all good men for the return of their sovereign.<sup>1</sup>

It was at this crisis that Henry the Fifth closed his heroic career, happier than Edward the Third in his being spared the mortification of outliving those

<sup>1</sup> Rymer, *Fœdera*, vol. x. pp. 166, 227. Ibid. pp. 174, 296.



brilliant conquests, which in the progress of years were destined to be as effectually torn from the hand of England. The Duke of Bedford, who succeeded to the government of France, and the Duke of Gloucester, who assumed the office of regent in England, during the minority of Henry the Sixth, appear to have been animated with favourable dispositions towards the Scottish king; and within a few months after the accession of the infant sovereign, a negotiation took place, in which Alexander Seton lord of Gordon, Thomas de Mirton, the chaplain of the Scottish monarch, Sir John Forester, Sir Walter Ogilvy, John de Leth, and William Fowlis, had a meeting with the privy council of England upon the subject of the king's return to his dominions.<sup>1</sup> It was determined, that on the 12th of May, 1423, James should be permitted to meet at Pontefract with the Scottish ambassadors, who should be empowered to enter into a negotiation upon this subject with the ambassadors of the king of England; and such a conference having accordingly taken place, the final treaty was concluded at London between the Bishop of Glasgow chancellor of Scotland, the Abbot of Balmerinoch, George Borthwick archdeacon of Glasgow, and Patrick Howston licentiate in the laws, ambassadors appointed by the Scottish governor;<sup>2</sup> and the Bishop of Worcester and Stafford the treasurer of England, William Alnwick keeper of the privy seal, the Lord Cromwell, Sir John Pelham, Robert Waterton, Esq., and John Stokes doctor of laws, commissaries appointed by the English regency.

<sup>1</sup> Rymer, *Fœdera*, vol. x. p. 266.

<sup>2</sup> *Ibid.* vol. x. p. 298. The commission by the governor is dated Inverkeithing, August 19, 1423.

It will be recollected that James had been seized by the English during the time of truce, and to have insisted on a ransom for a prince, who by the law of nations was not properly a captive, would have been gross injustice. The English commissioners accordingly declared that they should only demand the payment of the expenses of the King of Scotland which had been incurred during the long period of his residence in England; and these they fixed at the sum of forty thousand pounds of good and lawful money of England, to be paid in yearly sums of ten thousand marks, till the whole was discharged. It was determined that the king should not only promise, upon his royal word and oath, to defray this sum, but that certain hostages from the noblest families in the country should be delivered into the hands of the English king, to remain in England at their own expense till the whole sum was paid; and that, for further security, a separate obligation should be given by the four principal towns of Edinburgh, Perth, Dundee, and Aberdeen,<sup>1</sup> by which they promised to defray the sum to the English treasury, in the event of its not being paid by their own sovereign.

In addition to this, the ambassadors of both countries were empowered to treat of a marriage between the Scottish king and some English lady of noble birth; and as James, during his captivity, had fallen in love with the daughter of the Earl of Somerset, a lady of royal descent by both parents, and of great beauty and accomplishments, this part of their negotiation was without difficulty concluded. Johanna Beaufort had already given her heart to the royal

<sup>1</sup> Rymer, *Fœdera*, vol. x. p. 303.

captive; and the marriage was concluded with the customary feudal pomp in the church of St Mary Overy, in Southwark,<sup>1</sup> after which the feast was held in the palace of her uncle, the famous Cardinal Beaufort, a man of vast wealth and equal ambition.<sup>2</sup> Next day, James received as the dower of his wife, a relaxation from the payment of ten thousand marks of the original sum which had been agreed on.<sup>3</sup> A truce of seven years was concluded; and, accompanied by his queen and a brilliant cortege of the English nobility, to whom he had endeared himself by his graceful manners and deportment, he set out for his own dominions. At Durham, he was met by the Earls of Lennox, Wigtown, Moray, Crawford, March, Orkney, Angus, and Strathern, with the constable and marshal of Scotland, and a train of the highest barons and gentry of his dominions, amounting altogether to about three hundred persons; from whom a band of twenty-eight hostages were selected, comprehending some of the most noble and opulent persons in the country. In the schedule containing their names, the annual rent of their estates is also set down, which renders it a document of much interest, as illustrating the wealth and comparative influence of the Scottish aristocracy.<sup>4</sup>

From Durham, James, still surrounded by his nobles, and attended by the Earl of Northumberland, the sheriff of that county, and an escort under Sir Robert Umfraville, Sir William Heron, and Sir Robert Ogle, proceeded on his joyful progress, and halted, on

<sup>1</sup> Rymer, *Fœdera*, vol. x. pp. 321, 323.

<sup>2</sup> Gough's *Sepulchral Monuments*, vol. ii. p. 127, plate 41, p. 148. Dugdale's *Baronage*, vol. ii. p. 122.

<sup>3</sup> Rymer, *Fœdera*, vol. x. p. 323, dated 12th Feb. 1424.

<sup>4</sup> *Ibid.* vol. x. pp. 307, 309. See *Illustrations*, D.

reaching the abbey of Melrose, for the purpose of fulfilling the obligation which bound him to confirm the treaty by his royal oath, upon the Holy Gospels, within four days after his entry into his own dominions.<sup>1</sup>

He was received by all classes of his subjects with expressions of tumultuous joy and undissembled affection; and the regent hastened to resign the government into the hands of a prince who was in every way worthy of the crown.

<sup>1</sup> Rymer, *Fœdera*, vol. x. pp. 333, 343. Dated April 5, 1425.

## CHAP. II.

## JAMES THE FIRST.

1424—1437.

## CONTEMPORARY PRINCES.

*King of England.*

Henry VI.

*King of France.*

Charles VII.

*Popes.*Martin V.  
Eugene IV.

IN James the First, Scotland was at length destined to receive a sovereign of no common character and endowments. We have seen, that when a boy of fourteen, he was seized by the English; and from that time till his return in 1424, twenty years of his life, embracing the period of all others the most important and decisive in the formation of future character, had been passed in captivity. If unjust in his detention, Henry the Fourth appears to have been anxious to compensate for his infringement of the law of nations by the care which he bestowed upon the education of the youthful monarch. He was instructed in all the warlike exercises, and in the high-bred observances and polished manners of the school of chivalry; he was generously provided with masters in the various arts and sciences; and as it was the era of the revival of learning in England, the age especially of the rise of poetic literature in Chaucer and Gower, his mind and imagination became deeply infected with a passion for those elegant pursuits. But James, during his long

captivity, enjoyed far higher advantages. He was able to study the arts of government, to make his observations on the mode of administering justice in England, and to extract wisdom and experience from a personal acquaintance with the disputes between the sovereign and his nobility; whilst in the friendship and confidence with which he appears to have been uniformly treated by Henry the Fifth, who made him the partner of his campaigns in France, he became acquainted with the politics of both countries, received his education in the art of war from one of the greatest captains whom it has produced; and, from his not being personally engaged, had leisure to avail himself to the utmost of the opportunities which his peculiar situation presented. There were other changes also, which were then gradually beginning to manifest themselves in the political condition of the two countries, which, to his acute and discerning mind, must necessarily have presented a subject of thought and speculation—I mean the repeated risings of the commons against the intolerable tyranny of the feudal nobility, and the increased wealth and consequence of the middle classes of the state; events which, in the moral history of those times, are of deep interest and importance, and of which the future monarch of Scotland was a personal observer. The school, therefore, in which James was educated seems to have been eminently qualified to produce a wise and excellent king; and the history of his reign corroborates this observation.

On entering his kingdom, James proceeded to Edinburgh, where he held the festival of Easter; and on the 21st of May he and his queen were solemnly crowned in the abbey church of Scone. According to an ancient hereditary right, the king was placed in the royal seat by the late governor,

Murdoch duke of Albany and earl of Fife, whilst Henry Wardlaw bishop of St Andrews, the same faithful prelate to whom the charge of his early education had been committed, anointed his royal master, and placed the crown upon his head, amid a crowded assembly of the nobility and clergy, and the shouts and rejoicings of the people. The king then proceeded to bestow the honour of knighthood upon Alexander Stewart, the younger son of the Duke of Albany; upon the Earls of March, Angus, and Crawford; William Hay of Errol constable of Scotland, John Scrymgeour constable of Dundee, Alexander Seton of Gordon, and eighteen others of the principal nobility and barons;<sup>1</sup> after which he convoked his parliament on the 26th of May, and proceeded to the arduous task of inquiring into the abuses of the government, and adopting measures for their reformation.

Hitherto James had been but imperfectly informed regarding the extent to which the government of Albany and his feeble successor had promoted, or permitted, the grossest injustice and the most unlicensed speculation. He had probably suspected that the picture had been exaggerated; and with that deliberate policy which constituted a striking part of his character, he resolved to conduct his investigations in person, before he gave the slightest hint of his ultimate intentions. It is said, indeed, that when he first entered the kingdom, the dreadful description given by one of his nobles of the unbridled licentiousness and contempt of the laws which every where prevailed, threw him for a moment off his guard. "Let God but grant me life," cried he, with a loud voice, "and there shall not be a spot in my dominions where the key

<sup>1</sup> Extracta ex Chronicis Scotiæ, MS. fol. 269, 270. Fordun a Goodal, vol. ii. p. 474.

shall not keep the castle, and the furze-bush the cow, though I myself should lead the life of a dog to accomplish it!"<sup>1</sup> This, however, was probably spoken in confidence; for the object of the king was to inform himself of the exact condition of his dominions without exciting alarm, or raising a suspicion which might foster opposition and induce concealment. The very persons who sat in this parliament, and through whose assistance the investigation must be conducted, were themselves the worst defaulters; an imprudent word escaping him, and much more a sudden imprisonment, or a hasty, perhaps an unsuccessful, attempt at impeachment, would have been the signal for the nobles to fly to their estates and shut themselves up in their feudal castles, where they could have defied every effort of the king to apprehend them; and in this way all his plans might have been defeated or indefinitely protracted, and the country plunged into something approaching to a civil war.

The three estates of the realm having been assembled, certain persons were elected for the determination of the "Articles" to be proposed to them by the king, leave of returning home being given to the other members of the parliament. Committees of parliament had already been introduced by David the Second, on the ground of general convenience, and the anxiety of the barons and landholders to be present on their estates during the time of harvest.<sup>2</sup> From this period to the present time, embracing an interval of more than half a century, the destruction of the records of the parliaments of Robert the Second and Third, and of the government of Albany and his son, renders it

<sup>1</sup> Fordun a Goodal, vol. ii. p. 511.

<sup>2</sup> Acts of the Parliament of Scotland, sub anno 1424, *supra*, vol. ii. p. 178.



impossible to trace the progress of this important change, by which we now find the Lords of the Articles "*certe persone ad articulos*," an acknowledged institution, in the room of the parliamentary committees of David the Second; but it is probable that the king availed himself of this privilege to form a small body of the nobility, clergy, and burgesses, of whose fidelity he was secure, and who lent him their assistance in the difficult task upon which he now engaged.

The parliament opened with an enactment, commanding all men to honour the church, declaring that its ministers should enjoy, in all things, their ancient freedom and established privileges, and that no person should dare to hinder the clergy from granting leases of their lands or tithes, under the spiritual censures commonly incurred by such prevention. A proclamation followed, directed against the prevalence of private war and feuds amongst the nobility, enjoining the king's subjects to maintain thenceforward a firm peace throughout the realm, and discharging all barons, under the highest pains of the law, from "moving or making war against each other; from riding through the country with a more numerous following of horse than properly belonged to their estate, or for which, in their progress, due payment was not made to the king's lieges and hostellars. All such riders or gangars," upon complaint being made, were to be apprehended by the officers of the lands where the trespass had been committed, and kept in sure custody till the king declared his pleasure regarding them; and in order to the due execution of this and other enactments, it was ordained that officers and ministers of the laws should be appointed generally throughout the realm, whose personal estate must be of wealth and sufficiency enough to be proceeded against, in the event of mal-

versation, and from whose vigour and ability the "commons of the land" should be certain of receiving justice.<sup>1</sup>

The penalty of rebellion or treason against the king's person was declared to be the forfeiture of life, lands, and goods; whilst all friends or supporters of rebels were to be punished according to the pleasure of the sovereign. The enactments which followed regarding those troops of sturdy mendicants, who traversed the country, extorting charity where it was not speedily bestowed, present us with some curious illustrations of the manners of the times. The king commanded that no companies of such loose and unlicensed persons should be permitted to beg or insist on quarters from any husbandman or churchman, sojourning in the abbeys or on the farm granges, and devouring the wealth of the country. An exception was made in favour of "royal beggars," with regard to whom it is declared, that the king had agreed, by advice of his parliament, that no beggars or "thiggars" be permitted to beg, either in the burgh or throughout the country, between the ages of fourteen and threescore and ten years, unless it be first ascertained by the council of the burgh that they are incapacitated from supporting themselves in any other way. It was directed that they who were thus permitted to support themselves should wear a certain token, to be furnished them by the sheriff, or the aldermen and bailies; and that proclamation be made, that all beggars having no such tokens, do immediately betake themselves to such trades as may enable them to win their own living, under the penalty of burning on the cheek and banish-

<sup>1</sup> Acts of the Parl. of Scotland, vol. ii. p. 2. Statutes of the Realm, Rich. II. vol. ii. pp. 9, 10. Statutes against Bonds or Confederacies.

ment from the country.<sup>1</sup> It is curious to discern, in this primitive legislative enactment, the first institution of the king's blue coats or bedesmen, a venerable order of privileged mendicants, whose existence has only expired within these few years.

During the weak administration of Robert the Second and Third, and still more under the unprincipled government of Albany, the "great customs," or the duties levied throughout the realm upon the exportation or importation of merchandise, had been diminished by various grants to private persons; and, in addition to this, the crown lands had been shamelessly alienated and dilapidated. It was declared by the parliament, that in all time coming the great customs should remain in the hands of the king for the support of his royal estate, and that all persons who made any claim upon such customs, should produce to the sovereign the deed or grant upon which such a demand was maintained.<sup>2</sup> With regard to the lands and rents which were formerly in possession of the ancestors of the king, it was provided, that special directions should be given to the different sheriffs throughout the realm, to make inquiries of the oldest and worthiest officers within their sheriffdom, as to the particular lands or annual rents which belonged to the king, or in former times were in the hands of his royal predecessors, David the Second, Robert the Second, and Robert the Third. In these returns by the sheriffs, the names of the present possessors of these lands were directed to be included, and an inquest was then to be summoned, who, after having examined the proper evidence, were enjoined to return a verdict

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 2, 8.

<sup>2</sup> See a statute of Richard the Second on the same subject, pp. 41, 42, vol. ii. Statutes of the Realm.

under their seals, adjudging the property to belong to the crown. To facilitate such measures, it was declared that the king may summon, according to his free will and pleasure, his various tenants and vassals to exhibit their charters and holdings, in order to discover the exact extent of their property.<sup>1</sup>

The next enactment related to a very important subject, the payment of the fifty thousand marks which were due to England, and the deliverance of the hostages who were detained in security. Upon this subject it was ordained, that a specific sum should be raised upon the whole lands of the kingdom, including regality lands as well as others, as it would be grievous and heavy upon the commons to raise the whole "*finance*" at once. For this purpose, an aid or donative, expressed in the statute by the old Saxon word a *zelde*, and amounting to the sum of twelve pennies in every pound, was directed to be raised upon all rents, lands, and goods, belonging to lords and barons within their domains, including both corn and cattle. From this valuation, however, all riding horses, draught oxen, and household utensils, were excepted. The burgesses, in like manner, were directed to contribute their share out of their goods and rents. In addition to this donative, the parliament determined that certain taxes should also be raised upon the cattle and the corn, the particulars of which were minutely detailed in the record. As to the tax upon all grain which was then housed, excepting the purveyance of the lords and barons for their own consumption, it was ordained that the boll of wheat should pay two shillings; the boll of rye, bear, and peas, sixteen pence; and the boll of oats six pence. With regard to the green corn, all the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 4.

standing crops were to remain untaxed until brought into the barn. As to cattle, it was determined that a cow and her calf, or quey of two years old, should pay six shillings and eight pence; a draught ox the same; every wedder and ewe, each at the rate of twelve pennies; every goat, gymmer, and dynmont, the same; each wild mare, with her colt of three year old, ten shillings; and lastly, every colt of three years and upwards, a mark.<sup>1</sup>

For the purpose of the just collection of this tax throughout the country, it was directed that every sheriff should, within his own sheriffdom, summon the barons and freeholders of the king, and by their advice select certain honest and discreet men, who should be ready to abide upon all occasions the scrutiny of the sovereign as to their faithful discharge of their office in the taxation; and to whom the task of making an "extent," as it was technically called, or, in other words, of drawing up an exact inventory of the property of the country, should be committed. These officers, or "*extentours*," are directed to be sworn as to the faithful execution of their office, before the barons of the sheriffdom; they are commanded, in order to ensure a more complete investigation, to take with them the parish priest, who is to be enjoined by his bishop to inform them faithfully of all the goods in the parish; and having done so, they are then to mark down the extent in a book furnished for the purpose, in which the special names of every town in the kingdom, and of every person dwelling therein, with the exact amount of their property, was to be particularly enumerated; all which books were to be delivered into the hands of the king's auditors at Perth, upon the twelfth day of

<sup>1</sup> Acts of the Parliament of Scotland, p. 4.

July next. It is deeply to be regretted, that none of these records of the property of the kingdom have reached our time.

It was further declared upon this important subject, that all the lands of the kingdom should be taxed according to their present value, and that the tax upon all goods and gear should be paid in money of the like value with the coin then current in the realm. It was specially enjoined, that no one in the kingdom, whether he be of the rank of clerk, baron, or burgess, should be excepted from payment of this tax, and that all should have the money ready to be delivered within fifteen days after the taxation had been struck, the officers employed in its collection being empowered, upon failure, to take payment in kind : a cow being estimated at five shillings ; a ewe or wedder at twelve pence ; a goat, gymmer, or dynmont, at eight pence ; a three-year old colt at a mark ; a wild mare and her foal at ten shillings ; a boll of wheat at twelve pence ; of rye, bear, and peas, at eight pence ; and of oats, at three pence.<sup>1</sup> If the lord of the land, where such payment in kind had been taken, chose to advance the sum for his tenants, the sheriffs were commanded to deliver the goods to him ; if not, they were to be sold at the next market cross, or sent to the king.

It was next determined by the parliament, that the prelates should tax their rents and kirks in the same manner, and at the same rate, as the baron's land ; every bishop in each deanery of his diocese being directed to cause his official and dean to summon all his tenants and freeholders before him, and to select tax-gatherers, whose duty it was to " extend " the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 4.

ecclesiastical lands in the same way as the rest of the property of the country; it being provided, in every instance where a churchman paid the whole value of his benefice, that the fruits of his kirk lands should next year be free from all imposition or exaction. In the taxation of the rents and goods of the burgesses, the sheriff was directed to send a superintendant to see that the tax-gatherers, who were chosen by the aldermen and bailies, executed their duty faithfully and truly; and it was directed, that the salary and expenses of the various collectors in baronies, burghs, or church lands, should be respectively determined by the sheriff, aldermen, and prelates, and deducted from the whole amount of the tax, when it was given into the hands of the "auditors" appointed by the king to receive the gross sum, on the 12th day of July at Perth. The auditors appointed were the Bishops of Dunkeld and Dunblane, the Abbots of Balmerinoch and St Colm's Inch, Mr John Scheves, the Earl of Athole, Sir Patrick Dunbar, William Borthwick, Patrick Ogilvy, James Douglas of Balveny, and William Erskine of Kinnoul. I have been anxious to give the entire details of this scheme of taxation, as it furnishes us with many interesting facts illustrative of the state of property in the country at this early period of its history, and as it is not to be found in the ordinary edition of the Statutes of James the First.

After some severe enactments against the slayers of salmon within the forbidden time, which a posterior statute informs us was in the interval between the feast of the Assumption of Our Lady and the feast of St Andrew in the winter, it was declared that all *yairs and cruves*, (meaning certain mechanical contrivances for the taking of fish by means of wattled

traps placed between two walls in the stream of the river,) which have been built in fresh waters where the sea ebbs and flows, should be put down for three years, on account of the destruction of the spawn, or young fry, which they necessarily occasion. This regulation was commanded to be peremptorily enforced, even by those whose charters included a right of "crue fishing," under the penalty of a hundred shillings; and the ancient regulation regarding the removal of the crue on Saturday night, known by the name of "Saturday's Slap," as well as the rules which determined the statutory width of the "*hecks*," or wattled interstices, were enjoined to be strictly observed.<sup>1</sup> The extent to which the fisheries had been carried in Scotland, and the object which they formed even to the foreign fish-curers, appeared in the statutory provisions regarding the royal custom imposed upon all herring taken within the realm, being one penny upon every thousand fresh herring sold in the market. Upon every last of herring which were taken by Scottish fishermen and barrelled, a duty of four shillings, and on every last taken by strangers, a duty of six shillings was imposed; whilst, from every thousand red herrings made within the kingdom, a duty of four pennies was to be exacted.<sup>2</sup>

With regard to mines of gold or silver it was provided, that wherever such have been discovered within the lands of any lord or baron, if it can be proved that three half pennies of silver can be produced out of the pound of lead, the mine should, according to the established practice of other realms, belong to the king; a species of property from which there is no evidence

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 5.

<sup>2</sup> A last, according to Skene, contains twelve great barrels, or fourteen smaller barrels, pp. 139, 140.



that any substantial wealth ever flowed into the royal exchequer. It was enacted, that no gold or silver should be permitted to be carried forth of the realm, except it pay a duty of forty pence upon every pound exported; and in the event of any attempt to contravene this provision, the defaulter was to forfeit the whole gold or silver, and to pay a fine of forty-one pennies to the king. It was moreover provided, that in every instance where merchant strangers have disposed of their goods for money, they should either expend the same in the purchase of Scottish merchandise, or in the payment of their personal expenses, for proof of which, they must bring the evidence of the host of the inn where they made their abode; or, if they wished to carry it out of the realm, they were to pay the duty upon exportation.<sup>1</sup> It was determined, that the money in present circulation throughout the realm, which had been greatly depreciated from the original standard, should be called in, and a new coinage issued of like weight and fineness with the money of England.

It having been found that a considerable trade had been carried on in the sale and exportation of oxen, sheep, and horses, it was provided, in the same spirit of unenlightened policy which distinguished the whole body of the statutes relative to the commerce of the country, that upon every pound of the price received in such transactions, a duty of twelve pennies should be levied by the king. Upon the same erroneous principle, so soon as it was discovered that a considerable trade was carried on in the exportation of the skins of harts and hinds, of martins, fumarts, rabbits, does,

<sup>1</sup> In England, by a statute of Henry IV., merchant strangers were permitted to export one-half of the money received for their manufactures. *Statutes of the Realm*, vol. ii. p. 122.

roes, otters, and foxes, it was provided, that a check should be given to this flourishing branch of trade, by imposing a certain tax or custom upon each of such commodities, in the event of their being purchased for exportation.<sup>1</sup> It appears that many abuses had crept into the ecclesiastical state of the country by the frequent purchase of pensions from the pope, against which practices a special statute was directed, declaring, that in all time coming, no person should purchase any pension payable out of any benefice, religious or secular, under the penalty of forfeiting the same to the crown; and that no clerk, without an express license from the king, should either himself pass over the sea, or send procurators for him upon any foreign errand.

A singular and primitive enactment followed regarding rookeries; in which, after a preamble stating the mischief to the corn which was occasioned by rooks building in the trees of kirkyards and orchards, it was provided, that the proprietors of such trees should, by every method in their power, prevent the birds from building; and if this cannot be accomplished, that they at least take special care that the young rooks, or branchers, were not suffered to take wing, under the penalty, that all trees upon which the nests are found at Beltane, and from which it can be established, by good evidence, that the young birds have escaped, should be forfeited to the crown, and forthwith cut down, unless redeemed by the proprietor. No man, under a penalty of forty shillings, was to burn muirs from the month of March till the corn be cut down; and if any such defaulter was unable to raise the sum, he was commanded to be imprisoned for forty days.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 6.

The great superiority of the English archers has been frequently pointed out in the course of this history ; and the importance of introducing a more frequent practice of the long-bow appears to have impressed itself deeply on the mind of the king, who had the best opportunity, under Henry the Fifth, of witnessing its destructive effects during his French campaigns. It was accordingly provided, that all the male subjects of the realm, after reaching the age of twelve years, "busk them to be archers;" that is, provide themselves with the usual arms of an archer ; and that upon every ten-pound land bow-marks be constructed, especially in the vicinity of parish churches, where the people may practise archery, and, at the least, shoot thrice about, under the penalty of paying a wedder to the lord of the land, in the event of neglecting the injunction. To give further encouragement to archery, the pastime of foot-ball, which appears to have been a favourite national game in Scotland, was forbidden, under a severe penalty, in order that the common people might give the whole of their leisure time to the acquisition of a just eye and a steady hand, in the use of the long-bow.<sup>1</sup>

Such is an abstract of the statutory regulations of the first parliament of James ; and it is evident that, making allowance for the different circumstances in which the two countries were situated, the most useful provisions, as well as those which imply the deepest ignorance of the true principles of commercial policy, were borrowed from England. Those, for instance, which imposed a penalty upon the exportation of sheep, horses, and cattle ; which implied so deep a jealousy of the gold and silver being carried out of the realm ; which

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 5, 6.

forbade the riding armed, or with too formidable a band of servants; which encouraged archery; which related to mendicants and vagabonds; to the duties and qualifications of bailies and magistrates; which extended the privileges of the church, and forbade the interference of the pope with the benefices of the realm, are, with a few changes, to be found amongst the statutes of Richard the Second, and the fourth and fifth Henries; and prove that the king, during his long detention in England, had made himself intimately acquainted with the legislative policy of that kingdom.

It admits of little doubt, that during the sitting of this parliament, James was secretly preparing for those determined measures, by which, eight months afterwards, he effectually crushed the family of Albany, and compelled the fierce nobility, who had so long despised all restraint, to respect the authority of the laws, and tremble before the power of the crown. But in these projects it was necessary to proceed with extreme caution; and the institution of the Lords of the Articles seems to have furnished the king with an instrument well suited for the purpose he had in view, which, without creating alarm, enabled him gradually to mature his plans, and conduct them to a successful issue. Who were the persons selected for this committee it is, unfortunately, impossible to discover; but we may be certain that they enjoyed the confidence of the king, and were prepared to support him to the utmost of their power. With them, after the return of the rest of the most powerful lords and barons to their estates, who, from the warmth and cordiality with which they were received, had little suspicion of the secret measures meditated against them, James prepared and passed into laws many statutes, which, from the proud spirit

of his nobles, he knew they would not hesitate to despise and disobey, and thus furnish him with an opportunity to bring the offenders within the power of the laws, which he had determined to enforce to the utmost rigour against them. Amongst the statutes which were evidently designed to be the future means of coercing his nobility, those which regarded the resumption of the lands of the crown, and the exhibition of the charters by which their estates were held, may be at once recognized; and to these may be added the enactments against the numerous assemblies of armed vassals with which the feudal nobility of the time were accustomed to traverse the country, and bid defiance to the local magistracy.

The loss of many original records, which might have thrown some certain light upon this interesting portion of our history, renders it impossible to trace the various links in the projects of the king. Some prominent facts alone remain; yet from these it is not difficult to discover at least the outline of his proceedings.

He suffered eight months to expire before he convoked that celebrated parliament at Perth, at which he had secretly resolved to exhibit his own strength, and to inflict a signal vengeance upon the powerful family of Albany. During this interval, he appears to have gained to his party the whole influence of the clergy, and to have quietly consolidated his own power amongst a portion of the barons. The Earl of Mar, and his son Sir Thomas Stewart, William Lauder bishop of Glasgow and chancellor, Sir Walter Ogilvy the treasurer, John Cameron provost of the collegiate church of Lincluden and private secretary to the king, Sir John Forester of Corstorphine, chamberlain, Sir John Stewart, and Sir Robert Lauder of the Bass, Thomas Somerville of Carnwath, and Alexander Levingston of

Callendar, members of the king's council, were, in all probability, the only persons whom James admitted to his confidence, and intrusted with the execution of his designs;<sup>1</sup> whilst the utmost secrecy appears to have been observed with regard to his ultimate purposes.

Meanwhile Duke Murdoch and his sons, with the Earls of Douglas, March, and Angus, and the most powerful of the nobility, had separated without any suspicion of the blow which was meditated against them; and, once more settled on their own estates, and surrounded by their feudal retainers, soon forgot the statutes which had been so lately enacted; and with that spirit of fierce independence which had been nourished under the government of Albany and his son, dreamt little of producing their charters or giving up the crown lands or rents which they had received, of abridging their feudal state or dismissing their armed followers, or, indeed, of yielding obedience to any part of the laws which interfered with their individual importance and authority. They considered the statutes in precisely the same light in which there is reason to believe all parliamentary enactments had been regarded in Scotland for a long period before this: as mandates to be obeyed by the lower orders, under the strictest exactions of penalty and forfeitures; and to be attended to by the great and the powerful, provided they suited their own convenience, and did not offer any great violence to their feelings of pride or their possession of power. The weak and feeble government of Robert the Second and Third, with the indulgence to which the aristocracy were accustomed under Albany, had riveted this idea firmly in their minds; and they acted

<sup>1</sup> See Hay's MS. Collection of Diplomata, vol. iii. p. 98, for a deed dated 30th December, 1424, which gives the members of the king's privy-council.

upon it without the suspicion that a monarch might one day be found not only with sagacity to procure the enactment of laws which should level their independence, but with a determination of character and a command of means, which should enable him to carry these laws into execution.

On being summoned, therefore, by the king to attend a parliament, to be held at Perth on the 12th of March, they obeyed without hesitation ; and as the first subject which appears to have been brought before the three estates was the dissemination of the heretical opinions of the Lollards, which began to revive about this time in the country, no alarm was excited, and the business of the parliament proceeded as usual. It was determined that due inquiry should be made by the ministers of the king, whether the statutes passed in his former parliament had been obeyed ; and, in the event of its being discovered that they had been disregarded, orders were issued for the punishment of the offenders. All leagues or confederacies amongst the king's lieges were strictly forbidden ; all assistance afforded to rebels, all false reports, or "leasing-makings," which tended to create discord between the sovereign and his people, were prohibited under the penalty of forfeiting life and lands ; and in every instance where the property of the church was found to have been illegally occupied, restoration was ordered to be made by due process of law.<sup>1</sup>

The parliament had now continued for eight days, and as yet every thing went on without disturbance ; but on the ninth an extraordinary scene presented itself. Murdoch, the late governor, with Lord Alexander Stewart, his younger son, were suddenly arrested, and immediately afterwards twenty-six of the principal

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 7.

nobles and barons shared the same fate. Amongst these were Archibald earl of Douglas, William Douglas earl of Angus, George Dunbar earl of March, William Hay of Errol constable of Scotland, Scrymgeour constable of Dundee, Alexander Lindesay, Adam Hepburn of Hailes, Thomas Hay of Yester, Herbert Maxwell of Caerlaverock, Alexander Ramsay of Dalhousie, Alan Otterburn secretary to the Duke of Albany, Sir John Montgomery, Sir John Stewart of Dundonald, commonly called the Red Stewart, and thirteen others. During the course of the same year, and a short time previous to this energetic measure, the king had imprisoned Walter, the eldest son of Albany, along with the Earl of Lennox, and Sir Robert Graham, a man of a fierce and vindictive disposition, who from that moment vowed the most determined revenge, which he lived to execute in the murder of his sovereign.<sup>1</sup> The heir of Albany was shut up in the strong castle of the Bass, belonging to Sir Robert Lauder, a firm friend of the king; whilst Graham and Lennox were committed to Dunbar; and the Duke of Albany himself confined in the first instance in the castle of St Andrews, and afterwards transferred to that of Caerlaverock. At the same moment, the king took possession of the castle of Falkland, and of the fortified palace of Doune, the favourite residence of Albany.<sup>2</sup> Here he found Isabella, the wife of Albany, a daughter of the Earl of Lennox, whom he immediately committed to the castle of Tantallon; and with a success and a rapidity which can only be accounted for by the supposition of the utmost vigour in the execution of his plans, and a strong military power to overawe all opposition, he possessed himself of the strongest fortresses in the country; and,

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1269.

<sup>2</sup> Statistical Account of Scotland, vol. xx. pp. 57, 60.



after adjourning the parliament, to meet within the space of two months at Stirling, upon the 18th of May,<sup>1</sup> he proceeded to adopt measures for inflicting a speedy and dreadful revenge upon the most powerful of his opponents.

In the palace of Stirling, on the twenty-fourth of May, a court was held with great pomp and solemnity, for the trial of Walter Stewart, the eldest son of the Duke of Albany. The king, sitting on his throne, clothed with the robes and insignia of majesty, with the sceptre in his hand, and wearing the royal crown, presided as supreme judge of his people. The loss of all record of this trial is deeply to be regretted, as it would have thrown light upon an interesting, but obscure portion of our history. We know only from an ancient chronicle that the heir of Albany was tried for robbery, "*de roboria*." The jury was composed of twenty-one of the principal nobles and barons; and it is a remarkable circumstance, that amongst their names, which have been preserved, we find seven of the twenty-six barons whom the king had seized and imprisoned two months before at Perth, when he arrested Albany and his sons. Amongst these seven, were the three most powerful lords in the body of the Scottish aristocracy—the Earls of Douglas, March, and Angus; the rest were Sir John de Montgomery, Gilbert Hay of Errol the constable, Sir Herbert Herries of Terregles, and Sir Robert Cuninghame of Kilmaurs.<sup>2</sup> Others who sat upon this jury we know to have been the assured friends of the king, and members of his privy council. These were, Alexander Stewart earl of Mar, Sir John Forester of Corstorphine, Sir Thomas

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1270.

<sup>2</sup> Ibid. pp. 1269, 1270, 1271. See also *Extracta ex Chronicis Scotiæ*, MS. p. 272.

Somerville of Carnwath, and Sir Alexander Levingston of Callendar. It is probable that the seven jurymen above mentioned were persons attached to the party of Albany, and that the intention of the king, in their imprisonment, was to compel them to renounce all idea of supporting him, and to abandon him to his fate. In this result, whatever were the means adopted for its accomplishment, the king succeeded. The trial of Walter Stewart occupied a single day. He was found guilty, and condemned to death. His fate excited a deep feeling of sympathy and compassion in the breasts of the people; for the noble figure and dignified manners of the eldest son of Albany were peculiarly calculated to make him friends amongst the lower classes of the community.

On the following day, Duke Murdoch himself, with his second son Alexander, and his father-in-law the Earl of Lennox, were tried before the same jury. What were the crimes alleged against the Earl of Lennox and Alexander Stewart, it is now impossible to determine; but it may be conjectured, on strong grounds, that the usurpation of the government and the assumption of supreme authority during the captivity of the king, offences amounting to high treason, constituted the principal charge against the late regent. His father undoubtedly succeeded to the regency by the determination of the three estates assembled in parliament; but there is no evidence that any such decision was passed which sanctioned the high station assumed by the son; and if so, every act of his government was an act of treason, upon which the jury could have no difficulty in pronouncing their verdict. Albany was accordingly found guilty: the same sentence was pronounced upon his son, Alexander Stewart: the Earl of Lennox was next condemned;

and these three noble persons were publicly executed on that fatal eminence, before the castle of Stirling, known by the name of the Heading Hill. As the condemnation of Walter Stewart had excited unwonted commiseration amongst the people, the spectacle now afforded was calculated to raise that feeling to a still higher pitch of distress and compassion. Albany and his two sons were men of almost gigantic stature,<sup>1</sup> and of so noble a presence, that it was impossible to look upon them without an involuntary feeling of admiration; whilst the venerable appearance and white hairs of Lennox, who had reached his eightieth year, inspired a sentiment of tenderness and pity, which, even if they admitted the justice of the sentence, was apt to raise in the bosom of the spectators a disposition to condemn the rapid and unrelenting severity with which it was carried into execution. Even in their days of pride and usurpation, the family of Albany had been the favourites of the people. Its founder, the regent, courted popularity; and although a usurper, and stained with murders, seems in a great measure to have gained his end. It is impossible indeed to reconcile the high eulogium of Bower and Winton<sup>2</sup> with the dark actions of his life; but it is evident, from the tone of these historians, that the severity of James did not carry along with it the feelings of the people. Yet, looking at the state of things in Scotland, it is easy to understand the object of the king. It was his intention to exhibit to a nation, long accustomed to regard the laws with

<sup>1</sup> Albany and his sons were buried in the church of the Preaching Friars at Stirling, on the south side of the high altar, "*figuris et armis eorundem depictis.*"—*Extracta ex Chronicis Scotiæ*, MS. p. 272. Fordun a Goodal, vol. ii. p. 483. "*Homines gigantes stature.*"

<sup>2</sup> Fordun a Hearne, p. 1228. Winton, vol. ii. pp. 419, 420. See Illustrations, E.

contempt, and the royal authority as a name of empty menace, a memorable example of stern and inflexible justice, and to convince them that a great change had already taken place in the executive part of the government.

With this view another dreadful exhibition followed the execution of the family of Albany. James Stewart, the youngest son of this unfortunate person, was the only member of it who had avoided the arrest of the king, and escaped to the Highlands. Driven to despair, by the ruin which threatened his house, he collected a band of armed freebooters, and, assisted by Finlay bishop of Lismore and Argyle, his father's chaplain, attacked the burgh of Dunbarton, with a fury which nothing could resist. The king's uncle, Sir John of Dundonald, called the Red Stewart, was slain, the town sacked and given to the flames, and thirty men murdered, after which the son of Albany returned to his fastnesses in the north. But so hot was the pursuit which was instituted by the royal vengeance, that he, and the ecclesiastical bandit who accompanied him, were dislodged from their retreats, and compelled to fly to Ireland.<sup>1</sup> Five of his accomplices, however, were seized, and their execution, which immediately succeeded that of Albany, was unpardonably cruel and disgusting. They were torn to pieces by wild horses, after which their warm and quivering limbs were suspended upon gibbets: a terrible warning to the people of the punishment which awaited those who imagined that the fidelity which impelled them to execute the commands of their feudal lord, was superior to the ties which bound them to obey the laws of the country.

It is worthy of notice that these executions were not

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1270.

followed by the forfeiture to the crown of the immense estates belonging to Albany and to the Earl of Lennox, although a seasonable supply of revenue, amid the general plunder to which the royal lands had been exposed, was much wanted to support the dignity of the throne.<sup>1</sup> With regard to the conduct of the Bishop of Lismore, James appears to have made complaint to the pope, who directed a bull, addressed to the Bishops of St Andrews and Dunblane, by which they were empowered to inquire into the treason of the prelate, and other rebels against the king.<sup>2</sup>

The remaining barons, who had been imprisoned at the time of Albany's arrest, appear to have been restored to liberty immediately after his execution; and the parliament proceeded to the enactment of several statutes, which exhibit a singular combination of wisdom and ignorance, some being as truly calculated to promote, as others were fitted to retard, the improvement and prosperity of the country. It was ordained, that every man, of such simple estate as made it reasonable that he should be a labourer or husbandman, should either combine with his neighbour to pay half the expense of an ox and a plough, or dig every day a portion of land seven feet in length and six feet in breadth. In every sheriffdom within the realm, "weaponschawings," or an armed muster of the whole fighting men in the county, for the purpose of military exercise and an inspection of their weapons, were appointed to be held four times in the course of the year. Symptoms of the decay of the forest and green wood, or perhaps, more correctly speaking, proofs

<sup>1</sup> In my former edition I had been misled into a belief that these estates were forfeited to the crown. I owe the correction of this error to Mr Napier. *Life of Napier of Merchiston*, Appendix, p. 525.

<sup>2</sup> Innes's MS. Chronology, quoted by Chalmers in his *Life of James the First*, p. 14, prefixed to the Poetic Remains.

of the improved attention of the nobles to the enclosure of their parks and the ornamental woods around their castles, are to be discerned in the enactment, which declared it to be a part of the duty of the justice-clerk to make inquiries regarding those defaulters, who steal green wood, or strip the trees of their bark under cover of night, or break into orchards to purloin the fruit; and provided, that where any man found his stolen woods in other lords' lands, it should be lawful for him on the instant to seize both the goods and the thief, and to have him brought to trial in the court of the baron upon whose lands the crime was committed.<sup>1</sup>

With regard to the commerce of the country, some regulations were now passed, dictated by the same jealous spirit which has been already remarked as pervading the whole body of our commercial legislation. It was strictly enjoined, that no tallow should be exported out of the country under the penalty of being forfeited to the king; that no horses were to be carried forth of the realm till they were past the age of three years; and that no merchant was to be permitted to pass the sea for the purposes of trade, unless he either possess in property, or at least in commission, three serplaiths of wool, or the value of such in merchandise, to be determined by an inquest of his neighbours, under a penalty of forty-one pounds to the king, if found guilty of disobeying the law.

Upon the subject of the administration of justice to the people in general, and more especially to such poor and needy persons who could not pay an advocate for conducting their cause, a statute was passed in this parliament which breathes a spirit of enlarged humanity.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 7, 8.

After declaring that all bills of complaints, which, for divers reasons, affecting the profit of the realm, could not be determined by the parliament, should be brought before the particular judge of the district to which they belong, to whom the king was to give injunction to distribute justice, without fraud or favour, as well to the poor as to the rich, in every part of the realm, it proceeded as follows, in language remarkable for its strength and simplicity: "And gif thar be ony pur creatur," it observes, "that for defalte of cunningg or dispens, can nocht, or may nocht folow his caus; the king, for the lufe of God, sall ordane that the juge before quhame the causs suld be determyt purway and get a lele and wyss advocate to folow sic creaturis caus. And gif sic caus be obtenyt, the wrangar sall assythe the party skathit, and ye advocatis costis that travale. And gif the juge refusys to doe the lawe evinly, as is befor saide, ye party plenzeand sall haf recours to ye king, ye quhilk sall sa rigorously punyst sic jugis, yat it be ane ensampill till all utheris."<sup>1</sup>

It was declared to be the intention of the sovereign to grant a remission or pardon of any injury committed upon person or property in the lowland districts of his dominions, where the defaulter made reparation, or, according to the Scottish phrase, "assythement," to the injured party, and where the extent of the loss had been previously ascertained by a jury of honest and faithful men; but from this rule, the Highlands, or northern divisions of the country, were excepted, where, on account of the practice of indiscriminate robbery and murder which had prevailed, previous to the return of the king, it was impossible to ascertain correctly the extent of the depredation, or the amount

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 8.

of the assythemēt. The condition of his northern dominions, and the character and manners of his Highland subjects,—if indeed they could be called his subjects, whose allegiance was of so peculiar and capricious a nature,—had given birth to many anxious thoughts in the king, and led, not long after this, to a personal visit to these remote regions, which formed an interesting episode in his reign.

The only remaining matter of importance which came under the consideration of this parliament, was the growth of heresy; a subject which, in its connexion with the first feeble dawns of reformation, is peculiarly interesting and worthy of attention. It was directed that every bishop within his diocese should make inquisition of all Lollards and heretics, where such were to be found, in order that they be punished according to the laws of the holy Catholic church, and that the civil power be called in for the support of the ecclesiastical, if required.<sup>1</sup> Eighteen years had now elapsed since John Resby, a follower of the great Wickliff, was burnt at Perth. It was then known that his preaching, and the little treatises which he or his disciples had disseminated through the country, had made a deep impression; and the ancient historian who informs us of the circumstance, observes, that even in his own day, these same books and conclusions were secretly preserved by some unhappy persons under the instigation of the devil, and upon the principle that stolen waters are sweet.<sup>2</sup>

There can be no doubt, that at this period the consciences of not a few in the country were alarmed as to the foundations of a faith upon which they had hitherto relied, and that they began to judge and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 7, 8.

<sup>2</sup> Fordun a Hearne, vol. iv. p. 1169.



reason for themselves upon a subject of all others the most important which can occupy the human mind,—the grounds of a sinner's pardon and acceptance with God. An under current of reformation, which the church denominated heresy, was beginning gradually to sap the foundations upon which the ancient papal fabric had been hitherto securely resting; and the Scottish clergy, alarmed at the symptoms of spiritual rebellion, and possessing great influence over the mind of the monarch, prevailed upon him to interpose the authority of a legislative enactment, to discountenance the growth of the new opinions, and to confirm and follow up the efforts of the church, by the strength and terror of the secular arm. The education of James in England, under the direction of two monarchs, who had sullied their reign by the cruel persecution of the followers of Wickliff, was little calculated to open his mind to the convictions of truth, or to the principles of toleration; and at this moment he owed so much to the clergy, and was so engrossed with his efforts for the consolidation of the royal power, that he could neither refuse their request, nor inquire into the circumstances under which it was preferred. The statute, therefore, against Lollards and heretics was passed; the symptoms of rebellion, which ought to have stimulated the clergy to greater zeal, purity, and usefulness, were put down by a strong hand; and the reformation was retarded only to become more resistless at the last.

In the destruction of our national records many links in the history of this remarkable parliament have been lost; but the success with which the king conducted this overthrow of the house of Albany, certainly gives us a high idea of his ability and courage; and in the great outlines enough has been left to convince us,

that the undertaking was of a nature the most delicate and dangerous which could have presented itself to a monarch recently seated on a precarious throne, surrounded by a fierce nobility, to whom he was almost a stranger, and the most powerful of whom were connected by blood or by marriage with the ancient house whose destruction he meditated. The example indeed was terrible: the scaffold was flooded with royal and noble blood; and it is impossible not to experience a feeling of sorrow and indignation at the cruel and unrelenting severity of James. It seems as if his rage and mortification at the escape of his uncle, the prime offender, was but imperfectly satisfied with the punishment of the feeble Murdoch; and that his deep revenge almost delighted to glut itself in the extermination of every scion of that unfortunate house. But to form a just opinion, indeed, of the conduct of the king, we must not forget the galling circumstances in which he was situated. Deprived for nineteen years of his paternal kingdom, by a system of unprincipled usurpation; living almost within sight of his throne, yet unable to reach it; feeling his royal spirit strong within him, but detained and dragged back by the successful and selfish intrigues of Albany, it is not surprising that when he did at last escape from his bonds, his rage should be that of the chafed lion who has broken the toils, and that the principle of revenge, in those dark days esteemed as much a duty as a pleasure, should mingle itself with his more cool determination to inflict punishment upon his enemies.

But laying individual feelings aside, the barbarism of the times, and the precarious state in which he found the government, compelled James to adopt strong measures. Nothing but an example of speedy and inflexible severity could have made an impression upon

the iron-nerved and ferocious nobles, whose passions, under the government of the house of Albany, had been nursed up into a state of reckless indulgence, and a contempt of all legitimate authority ; and there seems reason to believe, that the conduct pursued by the king was deemed by him absolutely necessary to consolidate his own power, and enable him to carry into effect his ultimate designs for promoting the interests of the country. Immediately after the conclusion of the parliament, James despatched Lord Montgomery of Eliotston, and Sir Humphrey Cunningham, to seize the castle of Lochlomond,<sup>1</sup> the property of Sir James Stewart, the youngest son of Albany, who had fled to Ireland along with his father's chaplain, the Bishop of Lismore. Such was the terror inspired by the severity of James, that this fierce youth never afterwards returned, but died in banishment ; so that the ruin of the house of Albany appeared to be complete.

In the course of the preceding year the queen had brought into the world a daughter, her first-born, who was baptized by the name of Margaret ; and as the policy of France led those who then ruled in her councils to esteem the alliance of Scotland of great importance in her protracted struggle with England, it was determined to negotiate a marriage between Louis of Anjou, the heir to the throne, and the infant princess. In that kingdom the affairs of Charles the Seventh were still in a precarious situation. Although the great military genius of Henry the Fifth no longer directed and animated the operations of the campaign, yet, under the Duke of Bedford, who had been ap-

<sup>1</sup> "In the south end of the island Inchmurin, the ancient family of Lennox had a castle, but it is now in ruins." This is probably the castle alluded to, Stat. Account. vol. ix. p. 16. *Extracta ex Chronicis Scotiæ*, fol. 273.

pointed regent of France, fortune still favoured the arms of the invaders; and the successive defeats of Crevant and Verneuil, in which the auxiliary forces of the Scots were almost entirely cut to pieces, had lent a vigour and confidence to the councils and conduct of the English, and imparted a proportionable despondency to the French, which seemed to augur a fatal result to the efforts of that brave people. It became necessary, therefore, to court every alliance from which effectual assistance might be expected; and the army of seven thousand Scottish men-at-arms, which had passed over under the command of the Earls of Buchan and Wigtown in 1420, with the additional auxiliary force which the Earl of Douglas led to join the army of Charles the Seventh, convinced that monarch that the assistance of Scotland was an object, to attain which no efforts should be spared. Accordingly, Stewart of Darnley, Lord of Aubigny and constable of the Scottish army in France, along with the Archbishop of Rheims, the first prelate in the realm, were despatched in 1425 upon an embassy to negotiate the marriage between Margaret of Scotland and Louis the dauphin, and to renew the ancient league which had so long connected the two countries with each other.<sup>1</sup>

James received the ambassadors with great distinction, agreed to the proposed alliance, and despatched Leighton bishop of Aberdeen, with Lauder archdeacon of Lothian, and Sir Patrick Ogilvy justiciar of Scotland, to return his answer to the court of France. It was determined, that in five years the parties should be betrothed, after which, the Scottish princess was to be conveyed with all honour to her royal consort. About the same time the king appears to have sent

<sup>1</sup> Fordun a Goedal, vol. ii. p. 484.

ambassadors to the court of Rome; but it is difficult to discover whether they merely conveyed those general expressions of spiritual allegiance which it was usual for sovereigns to transmit to the holy see after their coronation, or related to matters more intimately affecting the ecclesiastical state of the kingdom. If we may judge from the numbers and dignity of the envoys, the communication was one of importance, and may, perhaps, have related to those measures for the extirpation of heresy which we have seen occupying the attention of the legislature under James's second parliament. It was a principle of this enterprising monarch in his schemes for the recovery and consolidation of his own power, to cultivate the friendship of the clergy, whom he regarded as a counterpoise to the nobles; and with this view he issued a commission to Leighton the bishop of Aberdeen, authorizing him to resume all alienations of the lands of the church which had been made during the regencies of the two Albanys, commanding his justiciars and officers of the law to assist in all proper measures for the recovery of the property which had been lost, and conferring upon the prelate the power of anathema in case of resistance.<sup>1</sup>

During the same year there arrived in Scotland an embassy from the states of Flanders, upon a subject of great commercial importance. It appears that the Flemings, as allies of England, had committed hostilities against the Scottish merchants during the captivity of the king, which had induced him to order the staple of the Scottish commerce in the Netherlands to be removed to Middelburgh in Zealand. The measure had been attended with much loss to the Flemish traders; and the object of the embassy was to solicit

<sup>1</sup> MS. in Harleian Coll. quoted in Pinkerton's Hist. vol. i. p. 116.

the return of the trade. The king, who at the period of its arrival was engaged in keeping his birth-day, surrounded by his barons, at St Andrews, received the Flemish envoys with distinction; and, aware of the importance of encouraging the commercial enterprise of his people, seized the opportunity of procuring more ample privileges for the Scottish merchants in Flanders, in return for which, he agreed that the staple should be restored.<sup>1</sup>

At this period, besides the wealthy citizens and burghers, who adopted commerce as a profession, it was not uncommon for the richer nobles and gentry, and even for the sovereign, to embark in mercantile adventures. In 1408, the Earl of Douglas freighted a vessel, with one or two supercargoes, and a crew of twenty mariners, to trade in Normandy and Rochelle; in the succeeding year the Duke of Albany was the proprietor of a vessel which carried six hundred quarters of malt, and was navigated by a master and twenty-four sailors; and, at a still later period, a vessel, the *Mary of Leith*, obtained a safe-conduct from the English monarch to unship her cargo, which belonged to his dear cousin James, the King of Scotland, in the port of London, and expose the merchandise to sale.<sup>2</sup> At the same time the Lombards, esteemed, perhaps, the most wealthy and enterprising merchants in Europe, continued to carry on a lucrative trade with Scotland; and one of their large carracks, which, compared with the smaller craft of the English and Scottish merchants, is distinguished by the contemporary chronicler as an "enormous vessel," *navis immanissima*, was wrecked by a sudden

<sup>1</sup> Fordun & Goodal, vol. ii. pp. 487, 509.

<sup>2</sup> Rotuli Scotie, vol. ii. p. 257. Ibid. 1st Sept. 9 Henry IV. p. 187. 2d Dec. 11 Henry IV. p. 193.

storm in the Firth of Forth. The gale was accompanied by a high spring-tide, against which the mariners of Italy, accustomed to the Mediterranean navigation, had taken no precautions; so that the ship was driven from her anchors, and cast ashore at Granton, about three miles above Leith.<sup>1</sup>

The tax of twelve pennies upon every pound of rent, and other branches of income, which was directed to be levied in the first parliament held at Perth after the king's return, has been already mentioned. The sum to be thus collected was destined for the payment of the arrears which the king had become bound to advance to England, as the amount of expense incurred by his maintenance during his captivity; and it appears by the account of Walter Bower, the continuator of Fordun, who was himself one of the commissioners for this taxation, that during the first year, it amounted to fourteen thousand marks; which would give nearly two hundred and eighty thousand marks, or about three millions of modern sterling money, as the annual income of the people of Scotland in 1424.

It must be recollected, however, that this does not include the lands and cattle employed by landholders in their own husbandry, which were particularly excepted in the collection. The tax itself was an innovation, and in the second year the zeal of the people cooled: they openly murmured against the universal impoverishment it occasioned, and the collection was far less productive. In those primitive times, all taxes, except in customs, which became a part of the apparent price of the goods on which they were charged, were wholly unknown in Scotland. The people were accustomed to see the king support his

<sup>1</sup> Fordun a Goodal, vol. ii. p. 487.

dignity, and discharge his debts, by the revenues of the crown lands, which, previous to the late dilapidations, were amply sufficient for that purpose; and with equal prudence and generosity, although supported by a resolution of the three estates, James declined to avail himself of this invidious mode of increasing his revenue, and gave orders that no further efforts should be made to levy the imposition.<sup>1</sup>

Upon the 11th of March, 1425, the king convoked his third parliament at Perth, and the institution of the Lords of the Articles appears to have been fully established. The various subjects upon which the decision of the great council was requested, were declared to be submitted by the sovereign to the determination of certain persons to be chosen by the three estates from the prelates, earls, and barons, then assembled; and the legislative enactments which resulted from their deliberations, convey to us an animated and instructive picture of the condition of the country. After the usual declaration, that the holy catholic church and its ministers should continue to enjoy their ancient privileges, and be permitted without hinderance to grant leases of their lands, or of their teinds, there follows a series of regulations and improvements, both as to the laws themselves and the manner of their administration, which are well worthy of attention.

It was first announced, that all the subjects of the realm must be governed by the statutes passed in parliament, and not by any particular laws, or any spiritual privileges or customs of other countries; and a new court, known by the name of the SESSION, was instituted for the administration of justice to the

<sup>1</sup> Fordun a Goodal, vol. ii. p. 482. M'Pherson's Annals of Commerce, vol. i. p. 640.



people. It was declared, that the king, with the consent of his parliament, had ordained, that his chancellor, and along with him certain discreet persons of the three estates, who were to be chosen and deputed by himself, should, from this day forth, sit three times in the year at whatever place the sovereign may appoint them, for the examination and decision of all causes and quarrels which may be determined before the king's council; and that these judges should have their expenses paid by the parties against whom the decision was given, out of the fines of court, or otherwise as the monarch may determine. The first session of this new court was appointed to be held the day after the feast of St Michael the Archangel, or on the 30th of September; the second on the Monday of the first week of Lent; and the third on the morning preceding the feast of St John the Baptist.<sup>1</sup>

A register was next appointed, in which a record was to be kept of all charters and infeftments, as well as of all letters of protection, or confirmations of ancient rights or privileges, which, since the king's return, had been granted to any individuals; and within four months after the passing of this act, all such charters were to be produced by the parties to whom they have been granted, and regularly marked in the book of record. Any person who was a judge or officer of justice within the realm, or any person who had prosecuted and summoned another to stand his trial, was forbidden, under a penalty of ten pounds, to sit upon his jury; and none were to be allowed to practise as attorneys in the justice-ayres, or courts held by the king's justiciars, or their deputies, who

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 11.

were not known to the justice and the barons as persons of sufficient learning and discretion. Six wise and able men, best acquainted with the laws, were directed to be chosen from each of the three estates, to whom was committed the examination of the books of the law, that is to say, "*Regiam Majestatem*," and "*Quoniam Attachiamenta*;" and these persons were directed by parliament, in language which marked the simple legislation of the times, "to mend the lawis that nedis mendyng," to reconcile all contradictory, and explain all obscure enactments, so that henceforth fraud and cunning may assist no man in obtaining an unjust judgment against his neighbour.<sup>1</sup>

One of the greatest difficulties which at this early period stood in the way of all improvement introduced by parliamentary regulations, was the slowness with which these regulations were communicated to the more distant districts of the country; and the extreme ignorance of the laws which subsisted, not only amongst the subjects of the realm and the inferior ministers of justice, but even amongst the nobles and barons, who, living in their own castles in remote situations, rude and illiterate in their habits, and bigoted in their attachment to those ancient institutions under which they had so long tyrannized over their vassals, were little anxious to become acquainted with new laws; and frequently, when they did penetrate so far, pretended ignorance as a cover for their disobedience. To obviate, as far as possible, this evil, it was directed by the parliament, that all statutes and ordinances made prior to this, should be first transcribed in the king's register, and afterwards,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 11.

that copies of them should be given to the different sheriffs in the country. The sheriffs were then strictly enjoined to publish and proclaim these statutes in the chief and most notable places in the sheriffdom, and to distribute copies of them to prelates, barons, and burghs of bailiery, the expense being paid by those who made the application. They were commanded, under the penalty of being deprived of their office, to cause all acts of the legislature to be observed throughout their county, and to inculcate upon the people, whether burghers or landholders, obedience to the provisions made by their sovereign since his return from England; so that, in time coming, no man should have cause to pretend ignorance of the laws.<sup>1</sup>

The defence of the country was another subject which came before this parliament. It was provided, that all merchants of the realm passing beyond seas should, along with their usual cargoes, bring home such a supply of harness and armour as could be stowed in the vessel, besides spears, spear-shafts, bows, and bow-strings; nor was this to be omitted upon any of their voyages: particular injunctions were added with regard to the regulation of "*weapon-schawings*," or the annual county musters for the inspection of arms, and the encouragement of warlike exercises. Every sheriff was directed to hold them four times in the year within his county, upon which occasion it was his duty to see that every gentleman having ten pounds value in land, should be sufficiently harnessed and armed with steel basnet, leg-harness, sword, spear, and dagger, and that all gentlemen of less property should be armed according to their estate. All yeomen of the realm, between the ages

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 11.

of sixteen and sixty, were directed to be provided with bows and a sheaf of arrows. With regard to the burghs, it was appointed that the weaponschawing should be held within them also, four times during the year, that all their inhabitants should be well armed, and that the aldermen and the bailies were to be held responsible for the due observance of this regulation; whilst certain penalties were inflicted on all gentlemen and yeomen who may be found transgressing these enactments.<sup>1</sup>

The regulations relating to the commercial prosperity of the country, and its intercourse with other nations, manifest the same jealousy and ignorance of the true prosperity of the realm, which influenced the deliberations of the former parliaments. Taxes were repeated upon the exportation of money, compulsory regulations promulgated against foreign merchants, by which they were compelled to lay out the money which they received for their commodities, upon the purchase of Scottish merchandise; directions were given to the sheriffs, and other ministers of the law, upon the coasts opposite to Ireland, to prevent all ships and galleys from sailing to that country without special license of the king's deputes, to be appointed for this purpose in every seaport; no merchant or shipman was to be allowed to give to any Irish subject a passage into Scotland, unless such stranger could show a letter or passport from the lord of the land from whence he came, declaring the business for which he desired to enter the realm; and all such persons, previous to their being allowed to land, were to be examined by the king's deputy of the seaport where the ship had weighed anchor, so that it might

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 9, 10.

be discovered whether the business they had in hand were to the profit or the prejudice of the king and his estate. These strict enactments were declared to proceed from no desire to break or interrupt the good understanding which had been long maintained between the King of Scotland "and his gud aulde frendis the Erschry of Irelande;" but because at that time the open rebels of the king had taken refuge in that country, and the welfare and safety of the realm might be endangered by all such unrestrained intercourse as should give them an opportunity of plotting with their friends, or afford facilities to the Irish of becoming acquainted with the private affairs of the government of Scotland.<sup>1</sup>

A quaint and amusing provision was introduced in this parliament, which is entitled, "*Anent hostillaris in villagis and burowyis.*" It informs us that hostlers, or innkeepers, had made grievous complaints to the king against a villanous practice of his lieges, who, in travelling from one part of the country to another, were in the habit of taking up their residence with their acquaintances and friends, instead of going to the regular inns and hostelries; whereupon the sovereign, with counsel and consent of the three estates, prohibited all travellers on foot or horseback from resorting to any station except the established hostelry of the burgh or village; and interdicted all burgesses or villagers from extending to them their hospitality, under the penalty of forty shillings. The higher ranks of the nobles and the gentry would, however, have considered this as an infringement upon their liberty; and it was accordingly declared, that all persons whose estate permitted them to travel

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 11.

with a large retinue in company, might quarter themselves upon their friends, under the condition that they sent their attendants and horses to be lodged at the common hostelries.<sup>1</sup>

The remaining enactments of this parliament related to the regulation of the weights and measures, and to the appointment of an established standard to be used throughout the realm; to the obligation of all barons or freeholders to attend the parliament in person; to the offering up of regular prayers and collects, by all priests, religious and secular, throughout the kingdom, for the health and prosperity of the king, his royal consort, and their children; and lastly, to the apprehension of all stout, idle vagabonds, who possess the ability, but not the inclination, to labour for their own living. These were to be apprehended by the sheriff, and compelled, within forty days, to bind themselves to some lawful craft, so that they should no longer devour and trouble the country. The regulation of the standard size of the boll, firloft, half firloft, peck, and gallon, which were to be used throughout the kingdom, was referred to the next parliament; whilst it was declared, that the water measures then in use should continue the same; that with regard to weights, there should be made a standard stone, which was to weigh exactly fifteen legal troy pounds, but to be divided into sixteen Scots pounds, and that, according to this standard, weights should be made, and used by all buyers and sellers throughout the realm.

James had already increased the strength and prosperity of his kingdom by various foreign treaties of alliance and commercial intercourse: he was at peace with England; the ancient ties between France and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 10.

Scotland were about to be more firmly drawn together by the projected marriage between his daughter and the dauphin; he had re-established his amicable relations with Flanders; and the court of Rome, flattered by his zeal against heresy, and his devotedness to the church, was disposed to support him with all its influence. To complete these friendly relations with foreign powers, he now concluded, by his ambassadors, William lord Crichton his chamberlain, and William Fowlis provost of the collegiate church of Bothwell his almoner, a treaty with Eric king of Denmark, Norway, and Sweden, in which the ancient alliances entered into between Alexander the Third, Robert the First, and the princes who in their days occupied the northern throne, were ratified and confirmed; mutual freedom of trade agreed upon, saving the peculiar rights and customs of both kingdoms; and all damages, transgressions, and defaults on either side, cancelled and forgiven. James also consented to continue the annual payment of a hundred marks for the sovereignty of the little kingdom of Man and the Western Isles, which Alexander the Third had purchased in 1266 for the sum of four thousand marks.<sup>1</sup> Their allegiance, indeed, was of a precarious nature, and for a long time previous to this, the nominal possession of the Isles, instead of an acquisition of strength and revenue, had proved a thorn in the side of the country; but the king, with that firmness and decision of character for which he was remarkable, had now determined, by an expedition conducted in person, to reduce within the control of the laws the northern parts of his dominions, and confidently looked forward to the time when these islands

<sup>1</sup> Fordun & Hearne, vol. iv. pp. 1355, 1358.

would be esteemed an acquisition of no common importance.

Meanwhile he prepared to carry his schemes into execution. Having summoned his parliament to meet him at Inverness, he proceeded, surrounded by his principal nobles and barons, and at the head of a force which rendered all resistance unavailing, to establish his residence for a season in the heart of his northern dominions.<sup>1</sup> It was their gloomy castles, and almost inaccessible fastnesses, which had given refuge to those fierce and independent chiefs, who neither desired his friendship nor deprecated his resentment, and who were now destined at last to experience the same unrelenting severity which had fallen upon the house of Albany. At this period the condition of the Highlands, so far as it is discoverable from the few authentic documents which have reached our times, appears to have been in the highest degree rude and uncivilized. There existed a singular combination of Celtic and of feudal manners. Powerful chiefs of Norman name and Norman blood had penetrated into the remotest districts, and ruled over multitudes of vassals and serfs, whose strange and uncouth appellatives proclaim their difference of race in the most convincing manner.<sup>2</sup> The tenure of lands by charter and seisin, the feudal services due by the vassal to his lord, the bands of friendship or of manrent which indissolubly united certain chiefs and nobles to each other, the baronial courts, and the complicated official pomp of feudal life, were all to be found in full strength and operation in the northern counties; but the dependence of the barons, who had taken up their

<sup>1</sup> Fordun a Goodal, vol. ii. p. 488.

<sup>2</sup> MS. Adv. Lib. Coll. Diplom. a Macfarlane, vol. i. p. 245. MS. Cart. Moray, p. 263. See Illustrations, F.



residence in these wild districts, upon the king, and their allegiance and subordination to the laws, were far less intimate and influential than in the lowland divisions of the country; and as they experienced less protection, we have already seen, that in great public emergencies, when the captivity of the sovereign, or the payment of his ransom, called for the imposition of a tax upon property throughout the kingdom, these great northern chiefs thought themselves at liberty to resist its collection within their mountainous principalities.<sup>1</sup>

Besides such Scoto-Norman barons, however, there were to be found in the Highlands and the Isles, those fierce aboriginal chiefs, who hated the Saxon and the Norman race, and offered a mortal opposition to the settlement of all intruders within a country which they considered their own. They exercised the same authority over the various clans or septs of which they were the heads or leaders, which the baron possessed over his vassals and their military followers; and the dreadful disputes and collisions which perpetually occurred between these distinct ranks of potentates, were accompanied by spoliations, ravages, imprisonments, and murders, which had at last become so frequent and so far extended, that the whole country beyond the Grampian range was likely to be cut off, by these abuses, from all regular communication with the more pacific parts of the kingdom.

This state of things called loudly for redress, and the measures of the king, on reaching Inverness, were of a prompt and determined character. He summoned the most powerful chiefs to attend his parliament; and this command, however extraordinary it may appear,

<sup>1</sup> *Supra*, vol. ii. pp. 93, 95.

these ferocious leaders did not think proper to disobey. It may be that he employed stratagem, and held out the prospect of pardon and reconciliation ; or perhaps a dreadful example of immediate execution, in the event of resistance, may have persuaded the Highland nobles, that obedience gave them a chance for their lives, whilst a refusal left them no hope of escape. But by whatever method their attendance was secured, they soon bitterly repented their facility ; for instantly, on entering the hall of parliament, they were arrested, ironed, and cast into separate prisons, where all communication with each other, or with their followers, was impossible. So overjoyed was James at the success of his plan, and the apparent readiness with which these fierce leaders seemed to rush into the toils which had been prepared for them, that Bower described him as turning triumphantly to his courtiers, whilst they tied the hands of the captives, and reciting some leonine or monkish rhymes, applauding the skill exhibited in their arrest, and the deserved death which awaited them. Upon this occasion, forty greater and lesser chiefs were seized, but the names of the highest only have been preserved : Alexander of the Isles ; Angus Dow, with his four sons, who could bring into the field four thousand men from Strathnaver ; Kenneth More, with his son-in-law, Angus of Moray and Makmathan, who could command a sept of two thousand strong ; Alexander Makreiny of Garmoran, and John Macarthur, a potent chief, each of whom could muster a thousand men ; along with John Ross, William Lesley, and James Campbell, are those enumerated by our contemporary historian ; whilst the Countess of Ross, the mother of Alexander of the Isles, and heiress of Sir Walter Lesley, a rich and potent baron, was

apprehended at the same time, and compelled to share the captivity of her son.<sup>1</sup>

Some of these, whose crimes had rendered them especially obnoxious, the king ordered to immediate execution. James Campbell was tried, convicted, and hanged, for his murder of John of the Isles; Alexander Makreiny and John Macarthur were beheaded, and their fellow captives dispersed and confined in different prisons throughout the kingdom. Of these, not a few were afterwards condemned and executed; whilst the rest, against whom nothing very flagrant could be proved, were suffered to escape with their lives. By some, this clemency was speedily abused, and by none more than the most powerful and ambitious of them all, Alexander of the Isles.

This ocean lord, half prince and half pirate, had shown himself willing, upon all occasions, to embrace the friendship of England, and to shake himself loose of all dependence upon his sovereign; whilst the immense body of vassals whom he could muster under his banner, and the powerful fleet with which he could sweep the northern seas, rendered his alliance or his enmity a matter of no inconsiderable consequence. After a short confinement, the king, moved, perhaps, by his descent from the ancient family of Lesley, a house of high and hereditary loyalty, restored him to liberty, after an admonition to change the evil courses to which he had been addicted, and to evince his gratitude by a life of consistent attachment to the throne. Alexander, however, after having recovered his liberty, only waited to see the king returned to his lowland dominions, and then broke out into a paroxysm of fury and revenge. He collected the whole strength of Ross

<sup>1</sup> Fordun & Hearne, vol. iv. pp. 1283, 1284.

and of the Isles, and at the head of an army of ten thousand men grievously wasted the country, directing his principal vengeance against the crown lands, and concluding his campaign by razing to the ground the royal burgh of Inverness.<sup>1</sup>

James, however, with an activity for which his enemy was little prepared, instantly collected a feudal force, and flew, rather than marched, to the Highlands, where, in Lochaber, he came up with the fierce but confused and undisciplined army of the island chief. Although his army was probably far inferior in numbers, yet the sudden appearance of the royal banner, the boldness with which he confronted his enemy, and the terror of the king's name, gave him all the advantage of a surprise; and before the battle began, Alexander found himself deserted by the clan Chattan and the clan Cameron, who, to a man, went over to the royal army. It is deeply to be regretted that the account of this expedition should be so meagre, even in Bower, who was a contemporary. All those particular details, which would have given interest to the story, and individuality to the character of the persons who acted in it, and which a little pains might have then preserved, are now irrecoverably lost. We know only, that the Lord of the Isles, with his chieftains and ketherans, was completely routed, and so hotly pursued by the king, that he sent an embassy to sue for peace. This presumption greatly incensed the monarch; he derided the idea of an outlaw, who knew not where to rest the sole of his foot, and whom his soldiers were then hunting from one retreat to another, arrogating to himself the dignity of an independent prince, and attempting to open a correspon-

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1285.

dence by his ambassadors; and sternly and scornfully refusing to enter into any negotiation, returned to his capital, after giving strict orders to his officers to exert every effort for his apprehension.

Driven to despair, and finding it every day more difficult to elude the vigilance which was exerted, Alexander resolved at last to throw himself upon the royal mercy. Having privately travelled to Edinburgh, this proud chief, who had claimed an equality with kings, condescended to an unheard-of humiliation. Upon a solemn festival, when the monarch and his queen, attended by their suite, and surrounded by the nobles of the court, stood in front of the high altar in the church of Holyrood, a miserable-looking man, clothed only in his shirt and drawers, holding a naked sword in his hand, and with a countenance and manner in which grief and destitution were strongly exhibited, suddenly presented himself before them. It was the Lord of the Isles, who fell upon his knees, and delivering up his sword to the king, implored his clemency. James granted him his life, but instantly imprisoned him in Tantallon castle, under the charge of William earl of Angus, his nephew. His mother, the Countess of Ross, was committed to close confinement in the ancient monastery of Inchcolm, situated in an island in the Firth of Forth.<sup>1</sup> She was released, however, after little more than a year's imprisonment; and the island lord himself soon after experienced the royal favour, and was restored to his lands and possessions.

This unbending severity, which in some instances approached the very borders of cruelty, was, perhaps, a necessary ingredient in the character of a monarch, who, when he ascended the throne, found his kingdom,

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1286.

to use the expressive language of an ancient chronicle,<sup>1</sup> little else than a wide den of robbers. Two anecdotes of this period have been preserved by Bower, the faithful contemporary historian of the times, which illustrate, in a striking manner, both the character of the king and the condition of the country. In the Highland districts, one of those ferocious chieftains, against whom the king had directed an act of parliament already quoted, had broken in upon a poor cottager, and carried off two of her cows. Such was the unlicensed state of the country, that the robber walked abroad, and was loudly accused by the aggrieved party, who swore that she would never put off her shoes again till she had carried her complaint to the king in person. "It is false," cried he; "I'll have you shod myself before you reach the court;" and with a brutality scarcely credible, the monster carried his threat into execution, by fixing, with nails driven into the flesh, two horse shoes of iron upon her naked feet, after which he thrust her wounded and bleeding on the highway. Some humane persons took pity on her; and, when cured, she retained her original purpose, sought out the king, told her story, and showed her feet, still seamed and scarred by the inhuman treatment she had received. James heard her with that mixture of pity, kindness, and incontrollable indignation, which marked his character; and having instantly directed his writs to the sheriff of the county where the robber chief resided, had him seized within a short time, and sent to Perth, where the court was then held. He was instantly tried and condemned; a linen shirt was thrown over him, upon which was painted a rude representation of his crime; and after being paraded in this ignominious

<sup>1</sup> MS. *Chronicon ab anno 1390 ad annum 1402. Cartulary of Moray*, p. 220.

dress through the streets of the town, he was dragged at a horse's tail, and hanged on a gallows.<sup>1</sup> Such examples, there can be little doubt, had an excellent effect upon the fierce classes, for a warning to whom they were intended, and caused them to associate a degree of terror with the name of the king; which accounts, in some measure, for the promptitude of their obedience when he arrived among them in person.

The other story to which I have alluded is almost equally characteristic. A noble of high rank, and nearly related to the king, having quarrelled with another baron in presence of the monarch and his court, so far forgot himself, that he struck his adversary on the face. James instantly had him seized, and ordered him to stretch out his hand upon the council table; he then unsheathed the short cutlass which he carried at his girdle, gave it to the baron who received the blow, and commanded him to strike off the hand which had insulted his honour, and was forfeited to the laws, threatening him with death if he refused. There is little doubt, from what we know of the character of this prince, that he was in earnest; but a thrill of horror ran through the court, his prelates and council reminded him of the duty of forgiveness, and the queen, who was present, fell at his feet, implored pardon for the guilty, and at last obtained a remission of the sentence. The offender, however, was instantly banished from court.<sup>2</sup>

One of the most remarkable features in the government of this prince, was the frequent recurrence of his parliaments. From the period of his return from England till his death, his reign embraced only thirteen years; and, in that time, the great council of the nation was thirteen times assembled. His object was

<sup>1</sup> Fordun & Goodal, vol. ii. p. 510.

<sup>2</sup> Fordun & Hearne, vol. iv. pp. 1334, 1335.

evidently to render the higher nobles more dependent upon the crown ; to break down that dangerous spirit of pride and individual consequence which confined them to their separate principalities, and taught them, for year after year, to tyrannize over their unhappy vassals, without the dread of a superior, or the restraint even of an equal ; to accustom them to the spectacle of the laws, proceeding not from their individual caprice or authority, but from the collective wisdom of the three estates, sanctioned by the consent, and carried into execution by the power of the crown, acting through its ministers.

In a parliament, of which the principal provisions have been already noticed, it had been made incumbent upon all earls, barons, and freeholders, to attend the meeting of the estates in person ; and the practice of sending procurators or attorneys in their place, which, there seems reason to believe, had become not infrequent, was strictly forbidden, unless due cause of absence be proved. In two subsequent meetings of the great council of the nation, the first of which appears to have been held at Perth on the 30th of September, 1426, and the second on the 1st of July, 1427, some important enactments occur, which evince the unwearied attention of the king to the manufactures, the commerce, the agriculture of his dominions, and to the speedy and impartial administration of justice to all classes of his subjects.<sup>1</sup> It is evident, from the tenor of a series of regulations concerning the deacons of the trades, or crafts, that the government of James, probably from its extreme firmness and severity, had already become unpopular. It was first commanded, that the deacons of the crafts should confine themselves strictly and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 13, 14.



simply to their duties, of ascertaining, by an inspection every fifteen days, whether the workmen be sufficiently expert in their business; but it was added, that they should have no authority to alter the laws of the craft, or to punish those who have offended against them; and in the parliament of 1427, it was declared, that the provisions regarding the appointment of deacons of the crafts within the royal burghs having been found productive of grievous injury to the realm, were henceforth annulled; that no deacon be permitted after this to be elected; whilst those already chosen to fill this office were prohibited from exercising their functions, or holding their usual meetings, which had led to conspiracies.<sup>1</sup> It is possible, however, that these conspiracies may have been combinations amongst the various workmen, on subjects connected with their trade, rather than any serious plots against government.

To the aldermen and council of the different towns was committed the charge of fixing the prices of the various kinds of work, which they were to regulate by an examination of the value of the raw material, and an estimate of the labour of the workman; whilst the same judges were to fix the wages given to wrights, masons, and such other handicraftsmen, who contributed their skill and labour, but did not furnish the materials. Every farmer and husbandman who possessed a plough and eight oxen, was commanded to sow, annually, a firloft of wheat, half a firloft of peas, and forty beans, under a penalty of ten shillings, to be paid to the baron of the land for each infringement of the law; whilst the baron himself, if he either neglected to sow the same quantity within his own demesnes, or omitted to exact the penalty from an

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 13, 14.

offending tenant, was made liable in a fine of forty shillings for every offence, to be paid to the king. The small quantity of beans here mentioned, renders it probable that this is the era of their earliest introduction into Scotland.<sup>1</sup>

It would appear, that although the castles of the lowland barons, during the regencies of the two Albany, had been maintained by their proprietors in sufficient strength, the houses of defence, and the various fortalices of the country, beyond that lofty range of hills known anciently by the name of the Mounth, had gradually fallen into decay; a state of things proceeding, without doubt, from the lawless state of these districts, divided amongst a few petty tyrants, and the extreme insecurity of life and property to any inferior barons who dared to settle within them. To remedy this evil, it was determined by the parliament, that every lord who had lands beyond the Mounth, upon which, in "auld tymes," there were castles, fortalices, or manor places, should be compelled to rebuild or repair them, and either himself to reside therein, or to procure a friend to take his place. The object of the statute is described to be the gracious government of the lands by good polity, and the happy effects which must result from the produce of the soil being consumed upon the lands themselves where it was grown; an error, perhaps, in civil policy, but which evinced, even in its aberration, an anxiety to discover the causes of national prosperity, which is remarkable for so remote a period.<sup>2</sup>

The extreme jealousy with which the transportation of money, or bullion, out of the realm, had always been regarded, was carried to an extraordinary height in the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 13.

<sup>2</sup> Ibid.

parliament of the 1st of July, 1427 ; for we find an enactment, entitled, " Anent the finance of clerks, by which all such learned persons proposing to go beyond seas, were strictly enjoined either to make change of their money, which they had allotted for the expenses of their travel, with the money changers within the realm, or at least with the merchants of the country." The same act was made imperative upon all lay travellers ; and both clerks and laymen were commanded not to leave the country before they had duly informed the king's chancellor of the exchange which they had transacted, and of the object of their journey.

Some of the most important regulations in this parliament of July 1427 regarded the administration of civil and criminal justice, a subject upon which the king appears to have laboured with an enthusiasm and assiduity which evinces how deeply he felt the disorders of this part of the government. It was first declared, that all persons who should be elected judges, in this or any succeeding parliament, for the determination of causes or disputes, should be obliged to take an oath that they will decide the questions brought before them to the best of their knowledge, and without fraud or favour. In the settlement of disputes by arbitration, it was enacted, that for the future, where the arbiters consist of clerks, a churchman, having the casting vote, was to be chosen by the bishop of the diocese, with advice of his chapter ; where the case to be determined had arisen without burgh, between the vassals of a baron or others, the oversman having the casting vote was to be chosen by the sheriff, with advice of the lord of the barony ; and if the plea took place between citizens within burgh, the provost and his council were to select the oversman, it being specially provided, that for the future all arbitrations

were to be determined, not by an even but an uneven number of arbiters.<sup>1</sup> With regard to the case of Scottish merchants dying abroad in Zealand, Flanders, or other parts of the continent, if it be certain that they were not resident in these parts, but had merely visited them for the purposes of trade, all causes or disputes regarding their succession, or their other transactions, were declared cognizable by the ordinary judge, within whose jurisdictions their testaments were confirmed; even although it was proved that part of the property of the deceased trader was at that time in England, or in parts beyond seas.

In a general council held at Perth on the 1st of March, 1427, a change was introduced relative to the attendance of the smaller barons and free tenants in parliament, which, as introducing the principle of representation, is worthy of particular attention. It was determined by the king, with consent of his council general, that the small barons and free tenants needed not come hereafter to parliaments nor general councils, provided that from each sheriffdom there be sent two or more *wise men*, to be chosen at the head court of each sheriffdom, in proportion to its size. An exception, however, was introduced with regard to the sheriffdoms of Clackmannan and Kinross, which were directed to return each a single representative. It was next declared, that by these commissaries in a body there should be elected an expert man, to be called the Common Speaker of the parliament, whose duty it should be to bring forward all cases of importance involving the rights or privileges of the commons; and that such commissaries should have full powers intrusted to them by the rest of the smaller barons and free tenants, to

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 14.

discuss and finally to determine what subjects or cases it might be proper to bring before the council or parliament. It was finally ordained, that the expenses of the commissaries and of the speaker should be paid by their electors, who owed suit and presence in the parliament or council, but that this new regulation should have no interference with the bishops, abbots, priors, dukes, earls, lords of parliament, and bannerets, whom the king declared he would continue to summon by his special precept.<sup>1</sup> It is probable that in this famous law, James had in view the parliamentary regulations which were introduced into England as early as the reign of Henry the Third, relative to the elections of knights of the shire, and which he had an opportunity of observing in full force, under the fourth and fifth Henries, during his long residence in England.<sup>2</sup> As far as we can judge from the concise, but clear, expressions of the Act itself, it is evident that it contained the rude draught or first embryo of a Lower House, in the shape of a committee or assembly of the commissaries of the shires, who deliberated by themselves on the proper points to be brought before the higher court of parliament by their speaker.

It is worthy of remark, that an institution which was destined afterwards to become the most valuable and inalienable right of a free subject,—that of appearing by his representatives in the great council of the nation,—arose, in the first instance, from an attempt to avoid or to elude it. To come to parliament was considered by the smaller barons, who held of the crown *in capite*, an intolerant and expensive grievance; and the act of James was nothing else than a permission of

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 15, 16, cap. 2.

<sup>2</sup> Rapin's *Acta Regia*, vol. i. p. 41. *Statutes of the Realm*, vol. ii. pp. 166, 170, 235.

absence to this numerous body, on condition of their electing a substitute, and each paying a proportion of his expenses.

In the same parliament, other acts were passed, strikingly illustrative of the condition of the country. Every baron, within his barony, was directed, at the proper season, to search for and slay the wolves' whelps, and to pay two shillings a-head for them to any man who brought them: the tenants were commanded to assist the barons on all occasions when a wolf-hunt was held, under the penalty of "a wedder" for non-appearance; and such hunts were to take place four times in the year: no cruves, or machines for catching fish, were to be placed in waters where the tide ebbed and flowed, for three years to come: where the merchants trading to the continent could not procure Scottish ships, they were permitted to freight their cargoes in foreign vessels: no lepers were to dwell any where but in their own hospitals, at the gate of the town, or other places without the bounds of the burgh; strict inquiries were directed to be made by the officials of the bishops, in their visitations, with regard to all persons, whether lay or secular, who might be smitten with this loathsome disease, so that they should be denounced, and compelled to obey the statute; and no lepers were to be allowed to enter any burgh, except thrice in the week,—on Mondays, Wednesdays, and Fridays, between the hours of ten and two, for the purpose of purchasing their food; if, however, a fair or market happened to be held on any of these days, they were to come in the morning, and not to mix indiscriminately with the multitude.

If any clerk, whether secular or religious, were desirous of passing beyond seas, it was made incumbent on him first to come to his ordinary to show good

cause for his expedition, and to make faith that he should not be guilty of any kind of simony or "*barratrie*,"—a word meaning the purchasing of benefices by money. All such defaulters or "*barratoures*," were to be convicted, under the statute already made against those who carried money out of the realm; and not only who were convicted of this crime in time to come, but all now without the realm, being guilty of it, were made liable to the penalties of the statute, and none permitted either to send them money, or to give them assistance, to whatever rank or dignity in the church they may have attained.<sup>1</sup> It was enacted, that no man should dare to interpret the statutes contrary to their real meaning, as understood by those who framed them; and that the litigants in any plea should attend at court simply accompanied by their councillors and "*forespeakers*," and such sober retinue as befitted their estate, and not with a multitude of armed followers on foot or horseback.

In the same general council some strict regulations occur regarding the prices charged by various craftsmen, such as masons, smiths, tailors, weavers, and the like, who had been in the practice of insisting upon a higher price for their labour than they were by law entitled to. Wardens of each craft were directed to be yearly elected in every burgh, who, with the advice of other discreet and unsuspected men, were to examine and estimate the materials and workmanship of every trade, and fix upon it a certain price, not to be exceeded by the artificer, under the forfeiture of the article thus overcharged. In lands without the burgh the duty of the warden was to be performed by the baron, and the sheriff to see that he duly performs it.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 16. Skene, *De Verborum Significatione*, voce *Barratrie*.

The council concluded by an act, imposing a penalty of forty shillings upon all persons who should slay partridges, plovers, black cocks, grey hens, muir cocks, by any kind of instrument or contrivance, between "lentry and August."

It may be remarked, that the meeting of the three estates in which these various enactments were passed, is not denominated a parliament, but a General Council, a term possibly implying a higher degree of solemnity, and conferring perhaps upon the statutes passed in it a more unchallengeable authority than the word parliament. It is difficult, however, to understand the precise distinction, or to discover wherein this superior sanctity consists; for, in looking to its internal constitution, we find that the members who composed the general council were exactly the same as those who sat in the parliament; the bishops, abbots, priors, earls, barons, and free tenants who held of the king *in capite*, and certain burgesses from every burgh in the kingdom, "some of whom were absent upon a legitimate excuse, and others contumaciously, who, on this account, were found liable in a fine of ten pounds."<sup>1</sup> Within four months after the meeting of this last general council, the king convoked another solemn assembly of the same description at Perth, on the 12th of July, 1428, in which it was determined that all successors of prelates, and all the heirs of earls, barons, and free tenants of the crown, should be bound, before they were permitted to enter into possession of their temporalities or their estates, to take the same oath of allegiance to the queen which they had sworn to the sovereign; a regulation by which the king, in the event of his

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 15.



death, prepared his subjects to regard the queen as regent, and endeavoured to guard against those convulsions which were too likely to arise during a minority.<sup>1</sup>

It is time, however, to return from this history of our early legislation to the course of our narrative. Although gradually gaining ground, France was still grievously oppressed by the united attacks of England and Burgundy; and Charles the Seventh, esteeming it of consequence to secure the friendship and assistance of Scotland, followed up the betrothment between James's only daughter and the dauphin by a contract of marriage, for which purpose the Archbishop of Rheims, and Stuart lord of Darnley and count of Dreux, again visited Scotland. Instead of a dower, which Scotland was at that time little able to offer, James was requested to send to France six thousand soldiers; and the royal bride was, in return, to be provided in an income as ample as any hitherto settled upon the queens of France. In addition to this, the county of Xaintonge and the lordship of Rochfort were to be made over to the Scottish king; all former alliances were to be renewed and ratified by the mutual oaths of the two monarchs; and the French monarch engaged to send transports for the passage of the Scottish soldiers to France.

The extraordinary rise and splendid military successes of the Maid of Orleans, which occurred in the year immediately following this embassy, rendered it unnecessary for the French king to insist upon this article in the treaty; but the jealousy and apprehensions of England were roused by the prospect of so intimate an alliance, and Cardinal Beaufort, the uncle

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 16, 17.

of James's queen, who, at this time, was one of the leading directors in the government of England, made proposals for an interview upon the marches, between the Scottish monarch and himself, for the purpose of consulting upon some affairs intimately connected with the mutual weal and honour of the two realms. James, however, seems to have considered it beneath the dignity of an independent sovereign to leave his kingdom and engage in a personal conference with a subject, and the meeting never took place.<sup>1</sup> The two countries, however, fortunately continued on amicable terms with each other, and time was given to the Scottish monarch to pursue his schemes of improvement, and to evince his continued zeal for every thing which affected the happiness of his subjects and the internal prosperity of his kingdom.

It appears, that at this period the poor tenants and labourers of the soil had been reduced to grievous distress by being dispossessed of their farms, and turned out of their cottages, whenever their landlord chose to grant a lease of the estate, or dispose of it to a new proprietor; and such was then the enslaved condition of the lower classes in Scotland, that the king, who was bound to respect the laws which affected the rights of the feudal lords, could not, of his own authority, ameliorate the condition of the labourers. He made it a request, however, to the prelates and barons of his realm, in a parliament held at Perth on the 26th of April, 1429, that they would not summarily and suddenly remove the husbandmen from any lands of which they had granted new leases, for the space of a year after such transaction, unless where the baron to whom the estate belonged proposed to occupy the

<sup>1</sup> Rymer, vol. x. p. 410. Rotuli Scotiæ, vol. ii. p. 264.

lands himself, and keep them for his own private use; a benevolent enactment, which perhaps may be regarded as the first step towards that important privilege, which was twenty years afterwards conceded to the great body of the farmers and labourers, and which is known in Scottish law under the name of the real right of tack.<sup>1</sup>

A sumptuary law was passed at the same time, by which it was ordered that no person under the rank of knight, or having less than two hundred marks of yearly income, should wear clothes made of silk, adorned with the richer kinds of furs, or embroidered with gold or pearls. The eldest sons or heirs of all knights were permitted to dress as sumptuously as their fathers; and the aldermen, bailies, and council of the towns, to wear furred gowns; whilst all others were enjoined to equip themselves in such grave and honest apparel as befitted their station, that is to say, in "serpis, beltis, uches, and chenzies." In these regulations, the apparel of the women was not forgotten. The increasing wealth and luxury of the commercial classes had introduced a corresponding, and as it was then esteemed, an unseemly magnificence in the habiliments of the rich burghers' wives, who imitated, and in all probability exaggerated, the dresses of the ladies of the court. It was commanded that neither commoners' wives nor their servants should wear long trains, rich hoods or ruffs, purfled sleeves, or costly "curches" of lawn; and that all gentlemen's wives should take care that their array did not exceed the personal estate of their husband.<sup>2</sup>

All persons who were possessed of property affording a yearly rent of twenty pounds, or of moveable

<sup>1</sup> Acts of the Parliament of Scotland, vol. li. pp. 17, 35.

<sup>2</sup> Ibid. 17, 18.

goods to the value of a hundred pounds, were to be well horsed, and armed "from head to heel" as became their rank as gentlemen; whilst others, of inferior wealth, extending only to ten pounds in rent, or fifty pounds in goods, were bound to provide themselves with a gorget, rerebrace, vambrace, breastplate, greaves, and leg-splints, and with gloves of plate, or iron gauntlets. The arms of the lower classes were also minutely detailed. Every yeoman, whose property amounted to twenty pounds in goods, was commanded to arm himself with a good doublet of fence, or a habergeon, an iron hat, or knapscull, a bow and sheaf of arrows, a sword, buckler, and dagger. The second rank of yeomen, who possessed only ten pounds in property, were to provide for themselves a bow and sheaf of arrows, a sword, buckler, and dagger; whilst the lowest class of all, who had no skill in archery, were to have a good "*suir*" hat, a doublet of fence, with sword and buckler, an axe also, or at least a staff pointed with iron. Every citizen, or burgess, possessing fifty pounds in property, was commanded to arm himself in the same fashion as a gentleman; and the burgess yeomen of inferior rank, possessing property to the extent of twenty pounds, to provide a doublet and habergeon, with a sword and buckler, a bow and sheaf of arrows, and a knife or dagger. It was finally made imperative on the barons within their barony, and the bailies within burgh, to carry these enactments into immediate execution, under certain penalties or fines, which, in the event of failure, were to be levied by the sheriff of the county.<sup>1</sup>

In the late rebellion of the Lord of the Isles, the want of a fleet had been severely felt, and these statutes

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 18.

regarding the land force of the country, were followed by other regulations of equal importance, concerning the establishment of a navy—a subject which we have seen occupying the last exertions of Bruce.

All barons and lords possessing estates within six miles of the sea, in the western and northern portions of the kingdom, and opposite the isles, were commanded to contribute to the building and equipment of galleys for the public service, in the proportion of one oar to every four marks' worth of land,<sup>1</sup> and to have such vessels ready to put to sea within a year. From this obligation, all such barons as held their lands by the service of finding vessels, were of course excepted, they being still bound to furnish them according to the terms of their charter. In the event of any merchant ships having been wrecked upon the coast, the confiscation of their cargoes to the king, or their preservation for their owners, was made dependent upon the law respecting wrecks in the country to which such vessels belonged; it being just that they should receive from foreign governments the same protection which it was the practice of their government to extend to foreign vessels. It was enacted in the same parliament, that all advocates, or forespeakers, who were employed in pleading causes in any temporal court, and also the parties litigant, if they happened to be present, should swear, before they be heard, that the cause which they were about to plead was just and true, according to their belief; or, in the simple words of the act itself, "that they trow the cause is gude and lele that they shall plead."

In the same year, to the great joy of the monarch

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 19. What is here the precise value of an oar, cannot be discovered from any expression in the act.

and the kingdom, his queen was delivered of twin sons, whose baptism was celebrated with much solemnity, one of them being named Alexander, probably after Alexander the Third, whose memory was still dear to the people, and the other James. At the font the king created both these infants knights, and conferred the same honour on the youthful heirs of the Earl of Douglas, the chancellor, Lord Crichton, Lord Borthwick, Logan of Restalrig, and others of his nobility.<sup>1</sup> The first of these boys died very young, but the second, James, was destined to succeed his father in the throne.

The truce with England was now on the point of expiring, and the king, who was anxious to concentrate his whole efforts upon the pacification of the northern parts of his dominions, and whose unremitted attention was required at home to carry his new laws into execution, felt equally disposed with Henry the Sixth, to negotiate for a renewal of the armistice, and to discuss the possibility of concluding a permanent peace. For this purpose, a meeting took place between commissioners from both nations, who concluded a truce for five years, from the 1st of April, 1431, in the provisions of which, an anxious desire was manifested on both sides to adopt every possible expedient for restraining the intolerable lawlessness of the border warfare. In the same truce, various rude accommodations to each other's commerce were agreed upon by the governments of the sister kingdoms: it was forbid to seize merchants, pilgrims, and fishers of either country, when driven into strange ports by stress of weather; shipwrecked men were to be allowed to pass to their own homes: in cases of piracy, not only the

<sup>1</sup> Fordun a Goodal, vol. ii. p. 490.

principal aggressors, but all who had encouraged the adventure or received the plunder, were to be liable in compensation, and amenable to punishment; and it was lastly agreed, that no aggressions by the subjects of either kingdom should occasion a breach of the truce.<sup>1</sup>

Having concluded this measure, James found himself at leisure to take into consideration the condition of the Highlands, which, notwithstanding the severity of the examples already made, called loudly for his interference. Donald Balloch, a near relation of the Lord of the Isles, enraged at what he deemed the pusillanimous submission of his kinsman, having collected a fleet and an army in the Hebrides, ran his galleys into the neck of sea which divides Morven from the little island of Lismore, and, disembarking at Lochaber, broke down upon that district with all the ferocity of northern warfare, cutting to pieces a superior force commanded by Alexander earl of Mar, and Alan Stewart earl of Caithness, whom James had stationed there for the protection of the Highlands. The conflict took place at Inverlochy; and such was the fury of the attack, that the superior discipline and armour of the lowland knights was unavailing against the broadswords and battle-axes of the islesmen. The Earl of Caithness, with sixteen of his personal retinue, and many other barons and knights, were left dead on the field; while Mar, with great difficulty, succeeded in rescuing the remains of the royal army. From the result of this battle, as well as the severe loss experienced at Harlaw, it was evident that the islesmen and the ketherans were every day becoming more formidable enemies, and that their arms and their

<sup>1</sup> Rymer, *Fœdera*, vol. x. p. 482. M'Pherson's *Annals of Commerce*, vol. i. p. 646.

discipline must have been of late years essentially improved. Donald Balloch, however, notwithstanding the dispersion of the royal army, appears to have considered it hazardous to attempt to follow up his success; and having ravaged Lochaber, and carried off as much plunder as he could collect, re-embarked in his galleys, and retreated first to the Isles, and afterwards to Ireland.<sup>1</sup>

About the same time, in the wild and remote country of Caithness, a desperate conflict took place between Angus Dow Mackay and Angus Murray, two leaders of opposite septs or clans, which, from some domestic quarrel, had arrayed themselves in mortal opposition. They met in a strath or valley upon the water of Naver; when such was the ferocity and exterminating spirit with which the battle was contested, that out of twelve hundred only nine are said to have remained alive;<sup>2</sup> an event which, considering the infinite mischiefs lately occasioned by their lawless and undisciplined manners, was perhaps considered a subject rather of congratulation than of regret to the kingdom.

These excesses, however, for the time, had the effect of throwing the whole of the northern parts of the country into a state of tumult and rebellion; and the king, having collected an army, summoned his feudal barons to attend him, and determined to proceed against his enemies in person. With some of the most powerful of the nobility this northern expedition seems to have been unpopular; and the potent Earl of Douglas, with Lord Kennedy, both of them nephews to James, were committed to ward in the castles of Lochleven and Stirling, probably from some disgust

<sup>1</sup> Fordun a Hearne, vol. iv. p. 1289. Extracta ex Chronicis Scotiæ, p. 277.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 491.



expressed at the royal commands.<sup>1</sup> The rendezvous was appointed at Perth, where, previous to his northern expedition, a parliament was held on the 15th of October; and to defray the expenses of the undertaking, a land-tax, or "*zelde*," was raised upon the whole lands in the kingdom, ecclesiastical as well as temporal. Its amount was declared to be ten pennies in every pound from those lands where, upon a former occasion, the tax of two pennies had been levied, and twelve pennies in the pound out of all lands which had been excepted from the payment of this smaller contribution. At the same time, the king directed his justices to take proper measures for the punishment of those vassals who had disobeyed his summons, and absented themselves from the host; and, with the intention of passing into the Western Isles, and inflicting exemplary vengeance against the pirate chiefs who had joined Donald Balloch, he proceeded to Dunstaffinch castle. Here he found himself in a short time surrounded by crowds of suppliant island lords, who, dreading the determined character of James, were eager to make their submission, and to throw the whole blame of the rebellion upon Balloch, whose power they dared not resist. By their means three hundred of the most noted thieves and robbers were seized and led to immediate execution; and soon after Donald Balloch was himself betrayed by one of the petty kings of Ireland, who, having entered into a secret treaty with James, cut off his head, and sent it to the king.<sup>2</sup>

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1288.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 20. Buchanan, book x. chap. xxxiii. xxxvi. It is singular that James's expedition against his northern rebels in 1431 is not mentioned either by Fordun, or Bower in his continuation; yet that such an expedition took place the Acts of the Parliament held at Perth, 15th of October, 1431, afford undoubted evidence.

It was at this period that the pestilence again broke out in Scotland; but the visitation, although sufficiently dreadful, appears to have assumed a less fatal character than that which in 1348 carried off almost a third part of the population of the kingdom. The winter had been unusually severe and stormy, and the cold so intense, that not only the domestic cattle, but the hardier beasts of the chase, almost entirely perished. It is difficult, in the meagre annals of contemporary historians, to detect any thing like the distinguishing symptoms of this awful scourge. In contradistinction to the pestilences which, in 1348, 1361, and 1378, had committed such fatal ravages, Bower denominates this the "*pestilentia volatilis*;"<sup>1</sup> and we know that, having first appeared at Edinburgh in the month of February 1430, it continued throughout the year 1432, at which time it was prevalent in Haddington;<sup>2</sup> while in the year immediately preceding, (1431,) during the parliament which was held at Perth in October, the volatile character of the disease seems to be pointed out by the provision, that the collectors of the land-tax should be obliged to arrange their accounts on the feast of the Purification of the Virgin next to come, "at Perth, provided the pestilence be not there, and if it is there, at St Andrews."<sup>3</sup> The inclemency of the season, the poverty of the lower classes, and the dreadful ravages occasioned by private war, and by the ferocity of the northern clans, must have greatly increased the distresses occasioned by such a calamity; and it appears from the accounts of our contemporary chroniclers, that during the height of the ravages which the pestilence occasioned, the popular mind, under the influence of

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 347, 365, 391, 490.

<sup>2</sup> *Extracta ex Chronicis Scotie*, p. 277.

<sup>3</sup> *Acts of Parliament*, vol. ii. p. 20.

terror and ignorance, became agitated with frightful stories, and wild and romantic superstitions. A total eclipse of the sun, which occurred on the 17th of June, 1432, increased these terrors, the obscuration beginning at three in the afternoon, and for half an hour causing a darkness as deep as midnight. It was long remembered in Scotland by the name of the Black Hour.<sup>1</sup>

The continuance of the successes of the French, and the repeated defeats which the English had experienced, now rendered it of importance to the government of Henry the Sixth to make a serious effort for the establishment of a lasting peace with Scotland; and for this purpose Lord Scrope proceeded as envoy to the court of James, with proposals so decidedly advantageous, that it is difficult to account for their rejection. The English king, he declared, was ready to purchase so desirable a blessing as a peace by the delivery of Roxburgh and Berwick into the hands of the Scots, and the restitution of all that had anciently belonged to their kingdom. Anxious to obtain the advice of his parliament upon so momentous an offer, James appointed a general council of the whole states of the realm to be held at Perth in October,<sup>2</sup> in which he laid before them the proposals of England.

The whole body of the temporal barons agreed in the expediency of entering upon an immediate negotiation, preparatory to a treaty of peace, and the majority of the prelates and higher churchmen concurred in this proposal; but amongst the minor clergy there existed a party attached to the interests of France, which was headed by the Abbots of Scone and Inchcolm. They

<sup>1</sup> Fordun & Hearne, vol. iv. p. 1307.

<sup>2</sup> Ibid. vol. iv. p. 1308. I do not find in Rymer's *Fœdera*, in the Acts of the Parliament, or in the *Rotuli Sootie*, any deed throwing light upon this transaction.

warmly contended, that considering the engagements with that country, and the treaty of marriage and alliance which the king had lately ratified, it was impossible to accept the proposals of England, consistently with his honour, and the regard due to a solemn agreement, which had been examined by the University of Paris, and had received the ratification of the pope. These arguments were seconded by the Abbot of Melrose, and with much violence opposed by Lawrence of Lindores, who, as the great inquisitor of all heretical opinions, imagined that he detected, in the propositions of his brethren of the church, some tenets which were not strictly orthodox. This led to a warm reply; and the debate, instead of a temperate discussion of the political question which had been submitted to the parliament, degenerated into a theological controversy of useless length and bitterness, which unfortunately led, in the first instance, to a delay of the principal business, and ultimately to a rejection of all proposals of peace.<sup>1</sup>

The succeeding year was barbarously signalized by the trial and condemnation of Paul Cawar, a Bohemian, who was burnt for heresy at St Andrews on the 23d of July. He had been sent by the citizens of Prague, who had adopted the tenets of Wickliff, to open an intercourse with their brethren in Scotland. Of these earnest inquirers after truth, there appears to have been a small sect, who, undaunted by the dreadful fate of Resby, continued secretly to examine the alleged errors of the Catholic church, and to disseminate what they contended were principles more orthodox and scriptural. Cawar was a physician, and came into Scotland with letters which spoke highly of his eminence in his art; but

<sup>1</sup> Fordun & Hearne, vol. iv. pp. 1309, 1310.

he seized every opportunity of inculcating principles contrary to the established doctrines of the church; and the inquisitor, Lawrence of Lindores, arraigned him before his court, and entered into a laboured confutation of his opinions. He found him, however, not only a courageous, but, according to the admission of his enemies, a singularly acute opponent. In theological controversy, in an acquaintance with the sacred Scriptures, and in the power of prompt and apposite quotation, the Bohemian physician was unrivalled; but it was soon discovered that he had adopted all the opinions of the disciples of Wickliff, and of the heretics of Prague, and that his profession of a physician was merely a cloak to conceal his real character as a zealous reformer.

That he had made many converts there can be no doubt, from the expressions used by Bower; and the laboured exposition and denunciation of his errors, which is given by the historian, contains evidence that his opinions were, on some points, those of Wickliff, which had been propagated twenty-six years before by Resby. He and his followers taught that the Bible ought to be freely communicated to the people; that, in a temporal kingdom, the spiritual power should be subservient to the civil; that magistrates had a right to arraign, on trial, and to punish delinquent ecclesiastics and prelates; that purgatory was a fable; the efficacy of pilgrimages an imposition; the power of the "keys," the doctrine of transubstantiation, and the ceremonies of absolution, a delusion and invention of man. The historian adds, that this sect denied the resurrection of the dead, recommended a community of goods, and that their lives were gross and licentious.<sup>1</sup> In the celebration of the Lord's Supper, they

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 495, 496.

departed entirely from the solemnities which distinguished this rite in the usage of the Catholic church. They used no splendid vestments, attended to no canonical hours or set form of words, but began the service at once by the Lord's Prayer; after which they read the history of the institution of the Supper, as contained in the New Testament, and then proceeded to distribute the elements, using common bread and a common drinking-cup or goblet.<sup>1</sup>

These practices and principles, in some of which we can recognize not merely a dawning, but nearly a full development of the tenets of Luther, excited a deep alarm amongst the clergy, who found a warm supporter in the king. James had been brought up in a cruel and selfish school, for both Henry the Fourth and his son were determined persecutors; and the price which they did not scruple to pay for the money and the influence of the clergy, was the groans and tortures of those who sealed their confession with their blood. A familiarity with religious persecution, and an early habit of confounding it with a zeal for the truth, became thus familiar to the mind of the youthful king; and the temptations to favour and encourage his clergy, as a check and counterpoise to the power of his nobles, was not easily resisted. When, accordingly, Lawrence of Lindores, the inquisitor of heresy, became ambitious to signalize the same controversial powers against Crawar, which he had already exerted in the confutation of Resby, he found no difficulties thrown in his way. The Bohemian reformer was seized, arraigned, confuted, and condemned; and as he boldly refused to renounce his opinions, he was led to the stake, and gave up his life for the prin-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 495.

ciples he had disseminated, with the utmost cheerfulness and resolution.<sup>1</sup> The great Council of Basle, which was held at this time, had taken special cognizance of the errors of Wickliff; and as the Bishops of Glasgow and Moray, with the Abbot of Arbroath, and many of the Scottish nobles, attended at this solemn assembly of the church, it is probable that their increased devotion to the Catholic faith, and anxiety for the extermination of heretical opinions in their own country, proceeded from their late intercourse with this great theological convocation.<sup>2</sup>

In the midst of his labours for the pacification of his northern dominions, and his anxiety for the suppression of heresy, the king never forgot his great plan for the diminution of the exorbitant power of the nobles; and with this view he now disclosed a design of a bold character, but which, however expedient, was scarcely reconcileable to the principles of justice. The strong castle of Dunbar, and the extensive estate, or rather principality, of the Earl of March, since the days of David the First, had been a perpetual thorn in the side of the Scottish government; its situation having enabled each successive earl to hold in his hands a power far too great for any subject. It was a common saying, that March held the keys of the kingdom at his girdle. The possession of the various castles which commanded the passes, permitted him to admit an enemy at pleasure into the heart of the country, and almost rendered the prosperity of the nation dependent upon the fidelity of a single baron. These circumstances, accordingly, had produced the effects which might have been anticipated; and the Earls of March had shown themselves for many generations the most

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 442, 495.

<sup>2</sup> Rotuli Scotiæ, vol. ii. pp. 276, 284.

ambitious and the most intriguing of the whole race of Scottish nobles ; as pre-eminent in their power as they were precarious in their loyalty.

The conduct of the father of the present earl had been productive of infinite distress and misery to Scotland. Disgusted at the affront offered to his daughter, by the Duke of Rothesay's breach of his betrothed promise, and by his subsequent marriage with the house of Douglas, he had fled to England in 1401, and for eight years had acted the part of an able and unrelenting renegade. He had ravaged Scotland in company with Hotspur ; he had been the great cause of the disastrous defeat at Homildon ; his military talents were still more decidedly displayed upon the side of Henry the Fourth at Shrewsbury ; and his son the earl, against whom James now resolved to direct his vengeance, had defeated the Scots at West Nesbit. After the accession of Albany to the kingdom, the elder March, in 1408, returned to his native country ; and having been restored to his estates, which had been forfeited to the crown in consequence of his rebellion, he continued in the quiet possession of them till his death, which happened in 1420.

He was succeeded by his son, George earl of March, a baron, who, with the single exception of having fought against the Scots at Nesbit, does not appear to have inherited any part of his father's versatility : and who, although arrested by James at the time when Duke Murdoch was imprisoned, shared that fate in common with many others of the nobility, who seem to have purchased their peace with the king by sitting upon the jury which condemned his unfortunate cousin. It was a remarkable feature, however, in the character of this monarch, that he retained his purposes with a steadiness and patience that gave little alarm, while it enabled him quietly to watch his opportunity ; that he was calcu-



lating upon the removal of obstacles, and smoothing the road for the execution of his designs, when no one suspected that such designs existed. In the parliament held at Perth, on the 15th of October, 1431, it had been declared by the three estates,<sup>1</sup> that the governor of the realm, during the period of his government, had no power to alienate any lands, which, by the decease of a bastard, might have fallen to the crown: and that, on this ground, the donation of the lands of Yetholm, which had been made by Albany, when governor, to Adam Ker, was of none effect, although it had been completed by feudal investiture. It is very probable that, at this or a subsequent period, other enactments may have been passed relative to the power possessed by the king to resume such estates as, having once been forfeited for treason, had been restored by the governor. No record of such, however, remains; and we only know that James, having felt his way, and being probably sure of his own strength, determined on the resumption of the immense estates of March into the hands of the crown.

A parliament was accordingly assembled at Perth, on the 10th of January, 1434, and its first proceeding was to select a committee of nine persons, including three of the clergy, three of the barons, and three of the burgesses, to determine all causes which might be brought before them. The Abbots of Scone and of St Colm,<sup>2</sup> the provost of the collegiate church of Methven, Sir Robert Stewart of Lorn, Sir Thomas Somerville of Somerville, and Sir Walter Haliburton of Dirleton, along with John Spens of Perth, Thomas Chambers of Aberdeen, and James Parkle of Linlithgow, were the judges chosen upon this occasion; but

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 20.

<sup>2</sup> Walter Bower, the excellent continuator of Fordun.

whether the important cause relating to the earldom of March came before them, or was pleaded in presence of the whole body of the parliament, is not easily ascertained. It is certain that the question regarding the forfeiture of the property, and its reversion to the crown, in consequence of the treason of the late Earl of March, was discussed with all due solemnity by the advocates or prolocutors of the king, and of the earl then in possession; after which, this baron and his council being ordered to retire, the judges considered the reasons which had been urged on both sides, and made up their opinion upon the case. March and his prolocutors were then re-admitted, and the doomster declared it to be the decision of the parliament, that, in consequence of the forfeiture of Lord George of Dunbar, formerly Earl of March, all title of property to the lands of the earldom of March and lordship of Dunbar, with whatever other lands the same baron held of the crown, belonged of right to the king, and might immediately be insisted on.<sup>1</sup>

Against this measure, which in a moment reduced one of the most powerful subjects in the realm to the condition of a landless dependant upon the charity of the crown, it does not appear that the earl or his friends dared to offer any remonstrance or resistance. They probably knew it would be ineffectual, and might bring upon them still more fatal consequences; and James proceeded to complete his plan for the security of the kingdom, by taking possession of the forfeited estate, and delivering the keeping of the castle of Dunbar, which he had seized in the preceding year, to Sir Walter Haliburton of Dirleton. He then, to soften in some degree the severity of his conduct, conferred upon March

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 23.

the title of Earl of Buchan, and assigned to him, out of the revenues of that northern principality, an annual pension of four hundred marks. That noble person, however, full of resentment for the cruelty with which he had been treated, disdained to assume a title which he regarded as only a mark of his degradation; and almost immediately after the judgment, bidding adieu to his country, in company with his eldest son, retired to England.<sup>1</sup> Although this extraordinary proceeding appears not to have occasioned any open symptoms of dissatisfaction at the moment, it is impossible to conceive that it should not have roused the jealousy and alarmed the minds of the great body of the feudal nobility. It cannot, perhaps, be pronounced strictly unjust; yet there was a harshness, it may almost be said a tyranny, in the manner in which such princely estates were torn from the family, after they had been possessed for twenty-six years, without challenge or remonstrance.

During the long usurpation of Albany, many of the nobles had either acquired, or been permitted to retain their lands, upon tenures in every respect as unsound as that by which March possessed his earldom, and none knew whether they might not be the next victims. A dark suspicion that the life of the king was incompatible with their security and independence, began secretly to infuse itself into their minds; and from a proceeding which took place before the dissolution of the parliament, the monarch himself appears to have been aware of the probability of conspiracy, and to have contemplated the possibility of his being suddenly cut off in the midst of his schemes for the consolidation of his power. He did not allow them to separate and

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 293.

return to their homes, before the whole lords of parliament, temporal and spiritual, as well as the commissaries of the burghs, had promised to give their bonds of adherence and fidelity to their sovereign lady the queen.<sup>1</sup>

About the same time, the king acquired a great accession of property and power by the death of Alexander Stewart, the famous Earl of Mar, and a natural son of the Earl of Buchan, James's uncle. The estates of this wealthy and potent person, who, from a rude and ferocious Highland freebooter, had become one of the ablest captains and most experienced statesmen in the nation,<sup>2</sup> reverted upon his death to the crown, upon the ground of his bastardy. The humiliation of the hated race of Albany was now complete. Murdoch and his sons, with the Earl of Lennox, had perished on the scaffold, and their whole estates had reverted to the crown; although the Earl of Buchan, who was slain at Verneuil, had left an only daughter, to whom the title belonged, by a stretch of power, bordering upon injustice, the title had been bestowed upon the disinherited March; and now the immense estates of the Earl of Mar, the natural son of Buchan, reverted to the crown. The power of the king became thus every day more formidable; but it was built upon the oppression of his feudal nobility, a set of men with whom it was considered a meanness to forget an injury, and whose revenge was generally deep and terrible—and so the result showed.

Entirely occupied with a vain and unsuccessful effort to retain their conquests in France, the English government evinced every anxiety to preserve inviolate

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 23. The expression is, "*dare literas suas retenenciæ et fidelitatis Domine nostre Regine.*"

<sup>2</sup> Fordun a Goodal, vol. ii. p. 500.

the truce with Scotland ; but the spirit of border hostility could not be long restrained, and Sir Robert Ogle, from some cause which is not easily discoverable, broke across the marches, at the head of a strong body of knights and men-at-arms. He was met, however, and totally routed, near Piperden, by the Earl of Angus, Hepburn of Hailes, and Sir Alexander Ramsay of Dalhousie, he himself being taken captive, forty slain, and nearly the whole of his party made prisoners.<sup>1</sup> James violently remonstrated against this unprovoked infraction of the truce ; and, in his letters to the English regency, insisted upon immediate redress ; but his complaints were overlooked or rejected, and the king was not of a temper to bear such an affront with tameness, or to forget it when an opportunity for retaliation occurred.

These indignant feelings were increased by an occurrence which followed soon after the conflict at Piperden. The Dauphin of France, who had been betrothed to Margaret, the daughter of the Scottish king, had now attained his thirteenth year, and the princess herself was ten years old : it was accordingly resolved to complete the marriage ; and with this view, two French envoys having arrived in Scotland, the youthful bride was sent to the court of the King of France, accompanied by a splendid train of the nobility. The fleet which carried her to her future kingdom, where her lot was singularly wretched, was commanded by the Earl of Orkney, William Sinclair. The Bishop of Brechin, Sir Walter Ogilvy the treasurer, Sir Herbert Harris, Sir John Maxwell of Calderwood, Sir John Campbell of Loudon, Sir John Wishart, and many other barons, attended in her

<sup>1</sup> Fordun a Goodal, vol. ii. p. 501.

suite. They were waited on by a hundred and forty youthful squires, and a guard of a thousand men-at-arms; and the fleet consisted of three large ships, and six barges.<sup>1</sup>

In defiance of the truce which then subsisted between the two kingdoms, the English government determined, if possible, to intercept the princess upon her passage to France, and for this purpose fitted out a large fleet, which anchored off the coast of Bretagne, in order to watch the motions of the Scots. It was impossible that so flagrant an insult should fail to rouse the indignation of the Scottish king. It convinced him how little was to be trusted to the honour of a government which disregarded a solemn truce; the moment a favourable opportunity for conquest or annoyance presented itself; whilst it reminded him of the treachery by which he had himself been seized; and brought all the bitterness of his long captivity before him. The project, however, was unsuccessful. The English were drawn away from their watch by the appearance of a company of Flemish merchantmen, laden with wine from Rochelle, which they pursued and captured; but the triumph was of short duration, for almost immediately after a Spanish fleet appeared in sight, and an engagement took place, in which the English were beaten, their Flemish prizes wrested from their hands, and they themselves compelled to take to flight. In the midst of these transactions, the little Scottish squadron, with the dauphiness and her suite, safely entered the port of Rochelle, and disembarked at Neville Priory, where she was received by the Archbishop of Rheims and the Bishop of Poitiers and Xaintonge. The marriage

<sup>1</sup> Fordun a Goodal, vol. ii. p. 485.

was afterwards celebrated at Tours, with much magnificence, in presence of the King and Queen of France, the Queen of Sicily, and the nobility of both kingdoms.<sup>1</sup> By the common practice of most feudal states, an expensive ceremony of this kind was considered a proper occasion for the imposition of a general tax throughout the kingdom; but James refused to oppress the great body of his subjects by any measure of this nature, and contented himself with those gifts or largesses which the prelates and the chief nobility of the court were wont to contribute upon such joyful occurrences.<sup>2</sup>

The late infraction of the truce by Ogle, and the insidious attempt upon the part of the English government to intercept the dauphiness, his daughter, had inflamed the resentment of the Scottish king, and rendered him not averse to the renewal of the war. It is probable, however, that there were other causes for this sudden resolution; and these are perhaps to be sought in the irritated feelings with which a portion of the nobility began to regard the government of James. To find excitement and employment for such dangerous spirits, the monarch assembled the whole force of his dominions; and with an army, formidable indeed in numbers, but weakened by intrigues and discontent amongst the principal leaders, he commenced the siege of Roxburgh.<sup>3</sup>

The subsequent course of events is involved in much obscurity, which the few original documents that remain do not in any satisfactory manner remove. After having spent fifteen days in the siege, during which time the warlike engines for the attack were

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 485, 501.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid. p. 502. The king was engaged in the siege of Roxburgh, 10th August, 1436. Rotuli Scotie, vol. ii. p. 295.

broken and rendered useless, and the quarrels, arrows, and missiles entirely exhausted, the castle was on the eve of being surrendered, when the queen suddenly arrived in the camp, and James, apparently in consequence of the secret information which she communicated, abruptly put a period to the siege, disbanded his army, and with a haste which implied some weighty cause of alarm, returned ingloriously into the interior of his dominions. For such an abrupt step no certain cause can be assigned, but such, beyond question, was the fact; and it naturally leads to the conjecture, that James was suddenly informed of some treacherous designs against him, and suspected that the conspirators lurked within his own kingdom.<sup>1</sup>

This precipitate dismissal of his forces took place in August, and two months afterwards the king held a general council at Edinburgh, on the 22d of October, 1436, in whose proceedings we can discern nothing intimating any continued suspicion of a conspiracy. Some commercial regulations were passed, which, under the mistaken idea that they were encouragements, proved, in reality, restrictions upon commerce. Exporters of wool were in future to give security to bring home and deliver to the master of the mint three ounces of bullion for every sack of wool, nine ounces for a last of hides, and three ounces for such quantity of other goods as paid freight, equal to an ancient measure called a *serplaith*; whilst, in addition to the impolicy of restricting the merchants from importing such goods as they esteemed most likely to increase

<sup>1</sup> Bower (Fordun a Goodal, vol. ii. p. 502) says nothing of the arrival of the queen at Roxburgh; but the ancient MS. entitled *Extracta ex Chronicis Scotiæ*, p. 279, expressly states the fact:—"Per quindecim dies obsidioni vacabant, et nihil laudis actum est veniens regina abduxit regem; reliqui sunt secuti et sic cessavit."



their profits, the delivery of the silver was regulated by weight or measure, and not by value. Other unwise restrictions were imposed. No English cloth was permitted to be purchased by the Scottish merchants, nor were English traders allowed to carry any articles of Scottish trade or manufacture out of the kingdom, unless such were specified particularly in their letters of safe-conduct.<sup>1</sup>

Yet, in the midst of these parliamentary proceedings, more dark designs were in agitation amongst the nobility; and the seeds of discontent and rebellion, which the king imagined had been entirely eradicated after the retreat from Roxburgh, were secretly expanding themselves into a conspiracy, of which the history and ramifications are as obscure as the result was deplorable. Its chief actors, however, and the temper and objects by which they were regulated, may be ascertained on authentic evidence. The chief promoters of the plot were Sir Robert Graham, brother of Sir Patrick Graham of Kincardine; Walter Stewart earl of Athole, a son of Robert the Second; and his grandson Sir Robert Stewart, who filled the office of chamberlain to the king, by whom he was much caressed and favoured. Graham's disposition was one which, even in a civilized age, would have made him a dangerous enemy; but in those feudal times, when revenge was a virtue, and forgiveness a weakness, it became, under such nurture, peculiarly dark and ferocious. Unshaken courage, and a contempt of pain and danger, a persuasive power of bending others to his purposes, a dissimulation which enabled him to conceal his private ambition under a zeal for the public good, and a cruelty which knew neither hesitation nor

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 23, 24. M'Pherson's Annals of Commerce, vol. i. p. 650.

remorse, were the moral elements which formed the character of this daring conspirator.

Upon the return of the king from his detention in England, and at the time that he inflicted his summary vengeance upon the house of Albany, Sir Robert Graham had been imprisoned, along with the other adherents of that powerful family; but it seems probable that he obtained his liberty, and for a while became reconciled to the government. Another transaction, however, was at hand, which it is said re-kindled his feelings into a determined purpose of revenge. This was the seizure or resumption of the earldom of Strathern by the king. David earl of Strathern, the brother of the Earl of Athole, was the eldest son of Robert the Second, by his second wife Euphemia Ross. He left an only daughter, who married Patrick Graham, son of Sir Patrick Graham of Kincardine, and, in right of his wife, Earl of Strathern, to whose children, as the transmission of these feudal dignities through females was the acknowledged law of Scotland, the title and estates undoubtedly belonged. James, however, fixed his eyes upon this powerful earldom. He contended that it was limited to heirs-male; that upon the death of David earl of Strathern it ought to have reverted to the crown; and that Albany the governor had no power to permit Patrick Graham or his son to assume so extensive a fief, which he resumed as his own. Although, however, he dispossessed Malise Graham, the son of the Earl of Strathern, of his lands and dignity, James appears to have been anxious to remove the appearance of injustice from such conduct, and to conciliate the disinherited family. For this purpose he conferred the liferent of the earldom of

Strathern upon Athole, and he created the new earldom of Menteith in favour of Malise Graham.<sup>1</sup>

This attempt at conciliation, however, did not succeed ; and indeed, notwithstanding the disguise which the king threw over it, it is easy to see that his conduct must have appeared both selfish and tyrannical. It was selfish, because, from the extreme age of Athole, James looked to the almost immediate possession of the rich earldom which he had torn from the Grahams ; and tyrannical, because there appears no ground for the assertion that it was a male fief. Malise Graham was now a youth, and absent in England ; but his uncle, Sir Robert Graham, remonstrated, as the natural guardian of his rights ; and finding it in vain to sue for redress, he determined upon revenge. It was no difficult matter for a spirit like his to work upon the jealousies and discontented feelings of the nobles ; and there were yet remaining many friends of Albany, who remembered the dreadful fate of that unhappy house, and who considered themselves bound, by those strict ties of feudal vassalage then esteemed sacred, to revenge it, the moment an opportunity presented itself.

Amongst these persons, Graham, who himself felt the influence of such feelings in the strongest possible manner, found many ready associates ; but although the body of the higher nobility were sufficiently eager to enter into his designs for the abridgment of the royal prerogative, and the resumption of the power which they had lost, they appear at first to have shrunk from any thing beyond this.<sup>2</sup> It was determined,

<sup>1</sup> Hailes, *Sutherland Case*, chap. v. p. 57.

<sup>2</sup> Contemporary Account of "The dethe of the King of Scotis," first printed by Pinkerton, *Hist.* vol. i. p. 462.

meanwhile, that Graham, who was an eloquent speaker, should detail their grievances in parliament, and that his remonstrance should be seconded by the rest of the nobles. The natural audacity of his character, however, made him exceed his commission. He spoke with open detestation of the tyrannical conduct of the government; pointed out in glowing language the ruin of the noblest families in the state; and concluded by an appeal to the barons who surrounded him, beseeching them to save the authority of the laws, were it even at the risk of laying a temporary restraint upon the person of the sovereign. The temerity of this speech, confounded the barons who had promised to support him: they trembled and hesitated; whilst James, starting from his throne, commanded them instantly to arrest the traitor, and was promptly obeyed. Graham meanwhile loudly expressed the bitterest contempt for the pusillanimity of his associates; but he was hurried to prison, soon after banished from court, and his estates confiscated to the crown.<sup>1</sup>

James, if not already sensible of the dangerous character of Graham, must have now been fully aware of it; and how he should have suffered so bold and able a rebel to escape, is difficult to understand. It is evident, I think, that the connexion between Graham, the Earl of Athole, and Sir Robert Stewart, had not at this time proceeded to the formation of those atrocious designs which they afterwards carried into execution, for we cannot doubt that the king must have examined the whole affair with the utmost anxiety; and his banishment of Graham only, may convince us that, in this instance, he did not suspect him of plotting with others of his nobility.

<sup>1</sup> Contemporary Account, vol. i. p. 464.

Enraged at the ruin of his fortunes, this audacious man retreated to the Highlands, and within their gloomy recesses meditated a desperate revenge. But the mode in which he proceeded had something great about it, and showed that he was no hired or common assassin. He sent a letter to James, in which he renounced his allegiance; he defied him, as a tyrant who had ruined his family, and left him houseless and landless; and he warned him, that wherever he could find opportunity, he would slay him as his mortal enemy. These threats, coming from a vagabond traitor, James despised; but he made proclamation for his apprehension, and fixed a large sum of gold on his head.<sup>1</sup>

In the meantime parliament met, and Graham, although immured in his Highland retreats, found means to communicate with the discontented nobles, and to induce the Earl of Athole, and his grandson Sir Robert Stewart, to enter fully into his schemes for the destruction of the king. He represented to this baron, who, though now aged, inherited the proud ambition of his family, that Robert the Third was born out of wedlock, and that the crown belonged to him, as the lawful son of the second marriage of Robert the Second, or, if he chose to decline it, to Stewart, his grandson. The single life of a tyrant, who had destroyed his house, and whose power was every day becoming more formidable, was, he contended, all that stood between him and the throne, for James's son was yet a boy in his sixth year, and might be easily disposed of; and such was the unpopularity of the government, that the whole body of the nobility would readily welcome a change. It is said, also, that

<sup>1</sup> Contemporary Account.

Graham worked upon Athole's ambition by the predictions of a Highland seer, who had prophesied that this earl should be crowned in that same year; a story much in the superstitious character of the times, and not unlikely to be true, as the conspiracy was undoubtedly brought to its height within the Highlands. If Graham was thus able to seduce the age and experience of Athole, it is not surprising that the prospect of a crown easily captivated the youthful ambition of Sir Robert Stewart, his grandson; and as he was chamberlain to the king, enjoyed his most intimate confidence, and was constantly employed in offices about his person, his accession to the plot may be regarded as the principal cause of its success. Graham's inferior assistants were principally some obscure dependants on the house of Albany, Christopher and Thomas Chambers,<sup>1</sup> with Sir John Hall and his brother; but his influence in the Highlands had collected a body of three hundred ketherans, without whose co-operation it is not probable that he could have effected his purpose.

All things were now nearly ready, whilst the king, naturally of a fearless and confident temper, and occupied with his schemes for the amelioration of the commerce of the kingdom, and the better execution of the laws, appeared to have forgotten the insolence of Graham, and to have been persuaded that the discontents amongst his nobility had passed away. Christmas approaching, it was determined that the court should keep the festival at Perth, in the monastery of the Dominicans, or Black Friars, a noble edifice, which gave ample room for the accommodation of the royal retinue. This resolution gave an unlooked-for facility

<sup>1</sup> Contemporary Account, p. 466. In the *Rotuli Scotiæ*, vol. ii. p. 159, we find John del Chambre in the employment of Albany in 1401.

to the traitors, for it brought their victim to the borders of the Highlands. It was accordingly resolved by Graham, that the murder should be committed at this holy season ; and, after his preparations had been made, he waited patiently for the arrival of the king.

It was impossible, however, that a plot which embraced so many agents should be kept completely secret ; and a Highland woman, who in those days of superstition laid claim to prophetic skill, becoming acquainted with the design, resolved to betray it to the king. Accordingly, as the monarch and his nobles were on their road to cross the Firth of Forth, then called the Scottish sea, she presented herself before the royal cavalcade, and addressing James, solemnly warned him, "that if he crossed that water he should never return again alive."<sup>1</sup> He was struck with her wild appearance, and the earnestness of her manner, stopt for a moment, and commanded a knight who rode beside him to inquire what she meant. Whether from stupidity or treachery is not certain, the commission was hurriedly executed, and she had only time to say that her information came from one Hubert ; when, the same knight observing that she was either mad or intoxicated, the king gave orders to proceed, and having crossed the firth, rode on to Perth. James, as was expected, took up his residence in the Dominican monastery, and the court was unusually brilliant and joyous. Day after day passed in every species of feudal delight and revelry ; and the conspirators had matured their plan, and fixed the very hour for the murder, whilst the unhappy prince dreamt of nothing but pleasure.

It was on the night between the 20th and the 21st

<sup>1</sup> Contemporary Account. Pinkerton, vol. i. p. 465.

of February that Graham resolved to carry his purpose into effect. After dark, he had procured Sir Robert Stewart, whose office of chamberlain facilitated his treachery, and rendered him above all suspicion, to place wooden boards across the moat which surrounded the monastery, over which the conspirators might pass without disturbing the warder, and to destroy the locks and remove the bolts of the doors by which the royal bedchamber communicated with the outer room, and this apartment with the passage. On this fatal evening the revels of the court were kept up to a late hour. The common sports and diversions of the time, the game of tables, the reading romances, the harp and the song, occupied the night; and the prince himself appears to have been in unusually gay and cheerful spirits. He even jested about a prophecy which had declared that a king should that year be slain; and when engaged in playing at chess with a young knight, whom in his sport he was accustomed to call the King of Love, warned him to look well to his safety, as they were the only two kings in the land.<sup>1</sup> In the midst of this playful conversation, Christopher Chambers, one of the conspirators, being seized with remorse, repeatedly approached the royal presence, intending to warn James of his danger; but either his heart failed him, or he was prevented by the crowd of knights and ladies who filled the presence chamber, and he renounced his purpose. It was now long past midnight, and the traitors, Athole and Stewart, who knew by this time that Graham and the other conspirators must be near at hand, heard James express his wishes for the conclusion of the revels with secret satisfaction; when, at this moment, a last effort was made to save

<sup>1</sup> Contemporary Account, p. 466.



the unhappy prince, which had almost succeeded. The faithful Highland woman who had followed the court to Perth, again presented herself at the door of the chamber, and so earnestly implored to see the king, that the usher informed him of her wishes. It was a moment on which his fate seemed to hang, but his evil genius presided; he bade her call again and tell her errand on the morrow, and she left the monastery, after solemnly observing that they would never meet again.<sup>1</sup>

Soon after this James called for the parting cup, and the company dispersed. The Earl of Athole, and Sir Robert Stewart the chamberlain, were the last to leave the apartment; and the king, who was now partly undressed, stood in his night-gown before the fire, talking gaily with the queen and her ladies of the bedchamber, when he was alarmed by a confused clang of arms, and a glare of torches in the outer court. A suspicion of treason, and a dread that it was the traitor Graham, instantly darted into his mind, and the queen and the women flew to secure the door of the apartment, but to their dismay found the locks destroyed and the bolts removed. James thus became certain that his destruction was resolved on; but his presence of mind did not forsake him, and commanding the women to obstruct all entrance as long as they were able, he rushed to the windows, but found them so firmly secured by iron bars, that all escape was impossible. The steps of armed men now came nearer and nearer, and in utter despair he seized the tongs of the fireplace in the apartment, and by main force wrenching up one of the boards of the floor, let himself down into

<sup>1</sup> Contemporary Account, p. 467. "The said woman of Yreland that cleped herself a dyvenourese."

a small vault situated below ; he then replaced the board, and thus completely concealed himself from observation. From this incommodious retreat there was a communication with the outer court, by means of a drain or square hole used for cleansing the apartment, and of width enough to have permitted the king to escape ; but it had unfortunately been built up only three days before this by James's own direction, as the tennis court was near it, and the balls had frequently run in and been lost in the aperture.<sup>1</sup> Meanwhile, Graham and his accomplices rushed towards the king's bedchamber, and having slain Walter Straiton, a page, whom they met in the passage, began to force open the door amidst the shrieks of the queen and the women, who feebly attempted to barricade it. One of the ladies, named Catherine Douglas, with heroic resolution thrust her arm into the staple from which the bolt had been treacherously removed ; but it was instantly snapt and broken by the brutal violence of the conspirators, who, with furious looks, and naked weapons stained with blood, burst into the chamber, and in their first attack had the cowardice to wound some of the queen's women, as they fled screaming into the corners of the apartment. The queen alone did not move, but, wrought up to a pitch of horror and frenzy which paralyzed every member, stood rooted to the floor, her hair hanging loosely around her shoulders, and with nothing on but her kirtle and mantle.<sup>2</sup> Yet, in this helpless state, one of the villains in the most brutal manner attacked and wounded her, and she would assuredly have been slain had the deed not been prevented by a son of Graham's, who peremptorily commanded him to leave the women and join the search

<sup>1</sup> Contemporary Account, p. 468.

<sup>2</sup> Ibid.

for the king, whom the conspirators now perceived had escaped them. Every part of the chamber was now diligently examined, every place of probable concealment opened up without success; and after a tedious search, they dispersed through the outer rooms and passages, and from thence extended their scrutiny to the remoter parts of the building.

A considerable time had now elapsed since the first alarm, and although Graham had secured the gates and occupied the outer courts of the monastery by his highlanders, yet the citizens, and the nobles who were quartered in the town, already heard the noise of the tumult, and were hastening to the spot. It seemed exceedingly likely, therefore, that the king would still be saved, for his place of concealment had totally escaped the attention of the conspirators, and every moment brought his rescue nearer. But he was ruined by his own impatience. Hearing no stir, and imagining that they who sought his life had left the place not to return, he called to the women to bring the sheets from the bed, and draw him up again into the apartment; but in their attempt to effect this, Elizabeth Douglas, one of the queen's women, fell down. The noise recalled the conspirators, and at this moment Thomas Chambers, one of Graham's accomplices, who knew the monastery well, suddenly remembered the small closet beneath the bedchamber, and conceiving, if James had not escaped, that he must be there concealed, quickly returned to the apartment. In a moment he discovered the spot where the floor was broken, raised up the plank, and looking in, by the light of his torch perceived the king and the unfortunate lady who had fallen into the vault; upon which he shouted to his fellows, with savage merriment, to come back, for the bride was found for whom they had sought and carolled

all night.<sup>1</sup> The dreadful scene was now soon completed; yet James, strong in his agony, although almost naked, and without a weapon, made a desperate defence. He seized Sir John Hall, who had leapt down, by the throat, and with main strength threw him under his feet; another of the murderers, Hall's brother, who next descended, met with the same fate; and such was the convulsive violence with which they had been handled, that at their execution, a month after, the marks of the king's grasp were seen upon their persons. But the villains being armed with large knives, James's hands and arms were dreadfully lacerated in the struggle. Sir Robert Graham now entered the chamber, and springing down with his drawn sword, threw himself upon his victim, who earnestly implored his mercy, and begged his life, should it be at the price of half his kingdom. "Thou cruel tyrant," said Graham, "never hadst thou compassion upon thine own noble kindred, therefore expect none now."—"At least," said James, "let me have a confessor for the good of my soul."—"None," cried Graham; "none shalt thou have but this sword!" upon which he wounded him mortally in the body, and the unhappy prince instantly fell down, and, bleeding and exhausted, continued faintly to implore his life. The scene was so piteous, that it is said at this moment to have shook the nerves, and moved the compassion, of the ruffian himself, who was about to come up, leaving the king still breathing, when his companions above threatened him with instant death if he did not finish the work. He then obeyed, and, assisted by the two Halls, completed the murder by repeated wounds.<sup>2</sup>

<sup>1</sup> Contemporary Account, p. 469. "Saying to his felows, Sirs, the spows is foundon, wherfor we ben comne, and al this nycht haf carold here."

<sup>2</sup> Contemporary Account, p. 470.

In this atrocious manner was James the First cut off in the prime of life, and whilst pursuing his schemes for the consolidation of his own power, and the establishment of the government upon a firm if not altogether a just and equitable basis, with a vigour and impetuosity which proved his ruin. The shocking deed being thus consummated, the traitors anxiously sought for the queen, but by this time she had escaped; and, warned by the increasing tumult in the town, and the alarm in the court, they fled in great haste from the monastery, and were descried crossing the outer moat, and making off in the direction of the Highlands. Sir David Dunbar, brother to the Earl of March, overtook and slew one of their number, after being himself grievously wounded;<sup>1</sup> but he who fell was of inferior note, and the principal conspirators made good their retreat to the Highlands.

On entering the chamber where the murder had been committed, a miserable spectacle presented itself, —the king's naked body bathed in blood, and pierced with sixteen wounds. The lamentable sight, by the pity and execration which it universally inspired, stimulated the activity of pursuit, and whetted the appetite for revenge; and the queen, disdaining to abandon herself to the helplessness of womanly grief, used such unwearied efforts to trace and apprehend the murderers, that in less than a month they were all taken and executed. Little, however, is known as to the exact mode of their apprehension. The principal conspirator, Graham, and some of his accomplices, appear to have escaped into the wilds of Mar; but they were traced to their concealments, and seized by two Highland chieftains, John Stewart Gorm, and

<sup>1</sup> Contemporary Account, p. 471. Fordun a Goodal, vol. ii. p. 503.

Robert Duncanson, the ancestor of the ancient family of Robertson of Strowan.<sup>1</sup>

The shocking scenes of torture which preceded their death must not be detailed, and are, it is hoped, chiefly to be ascribed to the ferocity of the times. It must be remembered that at this period the common death of every traitor was accomplished by torture; and in the present instance, the atrocity of the murder was thought to call for a refinement and complication in the punishment. Sir Robert Stewart and Thomas Chambers were first taken and brought to Edinburgh, where, after a full confession of their guilt, which unfortunately does not remain, they were beheaded on a high scaffold raised in the market-place, and their heads fixed upon the gates of Perth. Athole, who had been seized by the Earl of Angus, was the next sufferer. After being exhibited to the populace, tied to a pillar in the city, and crowned with a paper diadem, upon which was thrice written the name of traitor, his head was struck off, adorned with an iron crown, and fixed upon the top of a spear. He denied to the last that he was a party to the conspiracy, although he pleaded guilty to the knowledge and concealment of it, affirming, that he exerted every effort to dissuade his grandson against such atrocious designs, and believed that he had succeeded. As he was an old man, on the verge of seventy, his fate was not beheld without pity.

Very different were the feelings excited by the execution of the arch-traitor Graham, whose courage and characteristic audacity supported him to the last. He

<sup>1</sup> Chamberlain Accounts, sub anno 1438. "Et per solucionem factam Johanni Stewart Gorme pro arrestacione Roberti Grahaam traditoria, et suorum complicum, ut patet per literas regis moderni, de precept. sub signeto, et dicti Johannis Stewart de recept. concess. super computum 56 lib. 13s. 4d. Computum Dni Ade fanconar Camerarii Comitatus de Mar." See Illustrations, G.

pleaded to his judges, that having renounced his allegiance under his hand and seal, and publicly challenged and arraigned the king as his mortal enemy, he was no longer his subject, but his feudal equal, and that it was lawful for him to slay him wherever they met, without being amenable to any court whatever; seeing, said he, he did no wrong nor sin, but only slew God's creature his enemy.<sup>1</sup> He knew well, he said, that his death was resolved on, but that the time would come when they would gratefully pray for the soul of him who had delivered them from a merciless tyrant, whose avarice was so unbounded that it ruined friends as well as enemies, and preyed alike on the poor and the rich. The firmness with which he endured his complicated sufferings, was equal to the boldness of his defence. Nailed alive and naked to a tree, dragged through the city, followed by the executioners, who tore him with pincers, whilst his son was tortured and beheaded before his face, he bore all with amazing fortitude; and when his sufferings became utterly insupportable, warned his tormentors, that if his anguish should drive him to blasphemy, the guilt would rest on their heads who had thus destroyed his soul.<sup>2</sup> Graham was at last beheaded: and this dreadful scene of feudal vengeance, which it is impossible to read in the original account without sentiments of the utmost loathing and horror, concluded with the execution of Thomas Hall, one who had apparently belonged to the household of the Duke of Albany, and who to the last vindicated the share he had taken in the king's death.

There was nothing little in the character of James the First: his virtues and his faults were alike on a

<sup>1</sup> Contemporary Account, p. 473.

<sup>2</sup> Ibid. p. 474.

great scale ; and his reign, although it embraced only a period of thirteen years, reckoning from his return to his assassination, stands forward brightly and prominently in the history of the country. Perhaps the most important changes which he introduced, were the publication of the acts of parliament in the spoken language of the land ; the introduction of the principle of representation by the election of the commissaries for shires ; the institution of the court entitled the "Session ;" and the regularity with which he assembled the parliament. Before his time it had been the practice for the laws, the resolutions, and the judgments of the parliament to be embodied in the Latin language ; a custom which evidently was calculated to retard improvement, and perpetuate the dominion of barbarism and feudal oppression. Before his time the great body of the judges, to whom the administration of the laws was intrusted, the barons within their regalities, the bailies, the sheriffs, mayors, sergeants, and other inferior officers, were incapable of reading or understanding the statutes ; and the importance of the change from this state of darkness and uncertainty, to that which presented them with the law speaking in their own tongue, cannot be too highly estimated. It is of itself enough to stamp originality upon the character of the king, and to cause us to regard his reign as an era in the legislative history of the country.

Nor was the frequency in the assembling his parliaments of less consequence. Of these convocations of the legislature, no less than thirteen occurred during his brief reign ; a striking contrast to their infrequency under the government of his predecessors. His great principle seems to have been, to govern the country through the medium of his parliament ; to introduce into this august assembly a complete representation of



the body of the smaller landed proprietors, and of the commercial classes; and to insist on the frequent attendance of the great temporal and spiritual lords, not, as they were formerly wont, in the character of rivals of the sovereign, surrounded by a little court, and backed by numerous bands of armed vassals, but in their accredited station, as forming the principal and essential portion of the council of the nation, bound to obey their summons to parliament upon the same principle which obliged them to give suit and service in the feudal court of their liege lord the king.

Another striking feature in James's reign, was his institution of the "Session," his constant anxiety for the administration of justice amongst the middle ranks and the commons, and the frequent and anxious legislative enactments for the severe and speedy punishment of offenders. His determination, that "he would make the bracken-bush keep the cow,"—that proverb already alluded to, and still gratefully remembered in Scotland,<sup>1</sup>—was carried into execution by an indefatigable activity, and a firmness so inexorable as sometimes to assume the appearance of cruelty; but in estimating his true character upon this point, it is necessary to keep clearly before our eyes the circumstances in which he found the country, and the dreadful misrule and oppression to which the weaker individuals in the state were subjected from the tyranny of the higher orders. It is impossible, however, to deny that the king was sometimes cruel and unjust; and that when Graham accused him of tyranny and oppression, he had perhaps more to say in his vindication than many of our historians are willing to admit. The explanation, and, in some little measure,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 511.

the excuse for this, is to be found in the natural feelings of determined and undisguised hostility with which he undoubtedly regarded the family of Albany, and their remotest connexions. James considered the government of the father and the son in its true light—as one long usurpation : for although the first few years of Albany's administration as governor had been sanctioned by royal approval and the voice of the parliament, yet it is not to be forgotten that the detention of the youthful king in England extended through the sickening period of nineteen years, during the greater part of which time the return of this prince to his throne and to his people was thwarted, as we have seen, by every possible intrigue upon the part of Albany. This base conduct was viewed by James with more unforgiving resentment from its being crowned with success ; for the aged usurper, by a quiet death, escaped the meditated vengeance, and transmitted the supreme authority in the state to his son, ransomed from captivity for this very end, whilst his lawful prince beheld himself still detained in England. When he did return, therefore, it was not to be wondered at that his resentment was wrought to a high pitch ; and deep and bloody as was the retribution which he exacted, it was neither unnatural, nor, according to the feelings of those times, wholly unjustifiable.

But making every allowance for the extraordinary wrongs he had suffered, the determination which he appears to have formed, of considering every single act of Albany's administration, however just it may have been in itself, as liable to be challenged and cut down, necessarily led, when attempted to be acted upon, to a stretch of power which bordered upon tyranny. The

dilapidation, indeed, of the crown lands, and the plunder of the royal revenues which had taken place under the government of Albany and his son, afforded James a sufficient ground for resuming a great part of what had originally belonged to him; but, as far as we are able to trace his schemes for the re-establishment of the royal authority, and the diminution of the overgrown power of the feudal aristocracy, there does appear about them a stern rigour, and a love of power, little removed from absolute oppression. It is not, therefore, a subject of wonder, that this spirit, which was solely directed against his nobles, incurred their bitterest hatred, and ultimately led to his ruin.

If we except his misguided desire to distinguish himself as a persecutor of the Wickliffites, James's love for the church, as the best instrument he could employ in disseminating the blessings of education, and of general improvement throughout the country, was a wise and politic passion. He found his clergy a superior and enlightened class of men, and he employed their power, their wealth, and their abilities, as a counterpoise to his nobility; yet he was not, like David the First, a munificent founder of new religious houses; indeed, his income was so limited as to make this impossible. His efforts were directed to the preservation of the discipline and learning of the church; to the revival of the custom of holding general councils or chapters, which had been discontinued during his detention in England, but of which three appear to have been assembled during his brief reign; to a personal inspection of the various monasteries and religious establishments during his progresses through the kingdom, and an affectionate reproof, if he found they had degenerated from the

strictness of their rule or the sanctity of their deportment.<sup>1</sup>

It is well known that the personal accomplishments of this prince were of a high character. After his return, indeed, his incessant occupation in the cares of government left him little leisure for the cultivation of literature or of the fine arts ; but his long detention in England gave him ample opportunities of mental cultivation, of which he appears to have anxiously availed himself. He was a reformer of the language and of the poetry of his country ; he sang beautifully, and not only accompanied himself upon the harp and the organ, but composed various airs and pieces of sacred music, in which there was to be recognized the same original and inventive genius which distinguished this remarkable man in every thing to which he applied his mind.<sup>2</sup>

In his person, James was of the middle size, of a make rather powerful and athletic than elegant, and which fitted him to excel in all martial feats and exercises. Of these he was extremely fond ; and we have the testimony of a contemporary, that in drawing the bow, in the use of the lance, in horsemanship, wrestling and running, in throwing the hammer, and "putting the stane," few of his courtiers could compete with him. His great strength, indeed, was shown in the dreadful and almost successful resistance which he made to his murderers. He died in the forty-fourth year of his age, and was buried in the church of the Carthusians at Perth, which he had himself founded. He left by his queen, Joanna, an only son, James, his

<sup>1</sup> Innes, MS. Chronology, quoted by Chalmers in his *Poetic Remains of the Scottish kings*, pp. 8. 16. Fordun a Goodal, vol. ii. p. 508.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 504.

successor, then a boy in his seventh year, and five daughters. To two of these, Margaret, who became Queen of France, and Eleanor, who married Sigismund duke of Austria, their father transmitted his love of literature.<sup>1</sup>

James's remaining daughters were Isabella, married to Francis duke of Bretagne ; Mary, who took to her husband the Count de Boncquan, son to the Lord of Campvere ; and, lastly, Jane, wedded to the Earl of Angus, and subsequently to the Earl of Morton.

<sup>1</sup> The story of the dauphiness and Alan Chartier is well known. Finding this famous poet asleep in the saloon of the palace, she stooped down and kissed him — observing to her ladies, who were somewhat astonished at the proceeding, that she did not kiss the man, but the mouth which had uttered so many fine things : a singular, and, as they perhaps thought, too minute a distinction. *Menagiana*, vol. ii. p. 130.

Eleanor, although equally fond of literature, confined herself to a more decorous mode of exhibiting her predilection, by translating the romance of *Ponthus et Sidoyne* into German, for the amusement of her husband.

## CHAP. III.

## JAMES THE SECOND.

1436—1460.

## CONTEMPORARY PRINCES.

*King of England.*

Henry VI.

*King of France.*

Charles VII.

*Popes.*Eugene IV.  
Nicholas V.  
Callixtus III.  
Pius II.

THE assassination of James the First, and the succeeding minority of his son, a boy of only six years of age, was, if not a triumph to the majority of the Scottish nobility, at least an event eminently favourable to their power and pretensions. His murderers, it is true, whether from the instant execration which bursts out against a deed of so dark and sanguinary a character, or from the personal revenge of the queen-mother, were punished with speedy and unmitigated severity. Yet, when the first sentiments of horror and amazement were abated, and the Scottish aristocracy had begun to regard the consequences likely to arise from the sudden destruction which had overtaken the king in the midst of his schemes for the abridgment of their exorbitant power, it is impossible but that they should have contemplated the event of his death with secret satisfaction. The sentiments so boldly avowed by Graham in the midst of his tortures, that the day was near at hand when they would bless his memory for having rid them of a tyrant, must have

forcibly recurred to their minds; and when they regarded the fate of the Earl of March, so summarily and cruelly stript of his immense possessions, and contemplated the magnitude of James's plans, and the stern firmness with which, in so short a reign, he had carried them into effect, we can readily believe that the recovery of the privileges which they had lost, and the erection of some permanent barriers against all future encroachments of the crown, would be the great objects to which, under the minority of his successor, they would direct their attention.

It happened also, unfortunately for Scotland, that such a scheme for the resumption of power by the feudal nobility, in other words, for the return of anarchy and disorder throughout the country, was but too likely to prove successful. The improvements introduced by James the First—the judicial machinery for the more perfect administration of justice; the laws for the protection of the lower orders against the insolence of the great; the provisions for the admission of the representatives of the commercial classes into parliament, and for the abridgment of the military strength of the great feudal lords—were rather in the state of prospective changes, than of measures whose salutary effects had been tried by time, and to which the nation had become attached by long usage. These improvements had been all carried into effect within the short space of fourteen years; they still bore upon them the hateful gloss of novelty and innovation; and, no longer supported by the firmness of the monarch with whom they originated, they could present but a feeble resistance to the attacks of the numerous and powerful classes whose privileges they abridged, and with whose ambition their continuance was incompatible. The pros-

pect of recovering, during a long minority, the estates and the feudal perquisites which had been resumed or cut down by James the First; the near view of successful venality which constantly accompanied the possession of the great offices under an infant sovereign; and the facility, in the execution of such schemes, which every feudal government offered to any faction who were powerful or fortunate enough to possess themselves of the person of the king, rendered the period upon which we now enter one of great excitement amongst the Scottish nobles. The greater chiefs amongst them adopted every means to increase their personal strength and importance, recruiting the ranks of their armed vassals and followers, and placing persons of tried fidelity in their castles and strongholds; the lesser barons attached themselves to the more powerful by those leagues or bands which bound them by the strictest ties to work the will of their lord; and both classes set themselves attentively to watch the course of events, and to take immediate advantage of those sudden changes and emergencies which were so likely to arise in a country thrown into the utmost dismay and confusion by the murder of the sovereign.

But although such appear to have been the low and interested feelings of the greater proportion of the nobility, we are not to suppose that the support of the crown, and the cause of order and good government, were utterly abandoned. They still retained many friends in the dignified clergy, as well as among those learned and able churchmen from whose ranks the legal officers of the crown, and the diplomatic agents, who transacted all foreign missions and alliances, were generally selected; and they could undoubtedly reckon upon the attachment of the mercantile



and commercial classes, now gradually rising into importance, and upon the affectionate support of the great body of the lower orders, in so far as they were left untrammelled by the fetters of their feudal servitude.

Whilst such were the sentiments which animated the various bodies in the state upon the murder of the king, it may easily be supposed that terror was the first feeling which arose in the bosom of the queen-mother. Utterly uncertain as to the ramifications of the conspiracy, and trembling lest the same vengeance which had fallen upon the father should pursue the son, she instantly fled with the young prince to Edinburgh; nor did she esteem herself secure till she had retreated with her charge within the castle. The command of this fortress, rendered now a place of far higher importance than usual, by its affording a retreat to the queen and the prince, was at this time in the hands of William Crichton baron of Crichton, and master of the household to the late king, a person of great craft and ambition; and who, although still in the ranks of the lower nobility, was destined to act a principal part in the future history of the times.<sup>1</sup>

<sup>1</sup> *Registrum Magni Sigilli*, B. III. No. 161. His first appearance is in Rymers, vol. x. p. 309, amongst the nobility who met James the First at Durham, on his return from his long detention in England. See also Crawford's *Officers of State*, p. 25, for his title of *Magister Hospitalii*, as proved by a charter then in the possession of Sir Peter Fraser of Dores, Bart. See, also, MS. Chamberlain Rolls, July 4, 1438. "Et pro quinque barellis de Hamburgh salmonum salsorum, liberatis per computantem et liberatis Domino Willielmo de Crechtoun, custodi Castri de Edinburgh, fatenti receptum super computum, ad expensas domini nostri regis moderni, de quibus dictus dominus respondebit ix. lib." Again, MS. Chamberlain Rolls, July 5, 1438. "Per liberacionem factam Domino Willielmo de Crechtoun, Vicecomiti et custodi Castri de Edinburgh, ut patet per literam suam sub signeto ostensam super computum iiii<sup>ss</sup> librarum de quibus asserit quinquaginta libras receptas ad expensas coronacionis domini nostri regis moderni."

After the first panic had subsided, a parliament assembled at Edinburgh within less than a month after the murder of the king; and measures appear to have been adopted for the government of the country during the minority. The first care, however, was the coronation of the young prince; and for this purpose the principal nobles and barons of the kingdom, with the dignified clergy, and a great multitude of the free tenants of the crown, conducted him in procession from the castle of Edinburgh to the abbey of Holyrood, where he was crowned and anointed amid demonstrations of universal loyalty.<sup>1</sup>

Under any other circumstances than those in which James succeeded, the long established custom of conducting the ceremony of the coronation at the abbey of Scone would not have been departed from; but its proximity to the scene of the murder rendered it dangerous and suspected; and as delay was equally hazardous, the queen was obliged to purchase security and speed at the expense of somewhat of that solemnity which would otherwise have accompanied the pageant. Two important measures followed the coronation: the first, the nomination of the queen-mother to undertake the custody of the king till he had attained his majority, and to become, at the same time, the guardian of the princesses, his sisters, with an annual allowance of four thousand marks;<sup>2</sup> the second, the appointment of Archibald fifth earl of Douglas and duke of Touraine, to be lieutenant-general of the kingdom.<sup>3</sup> This baron,

<sup>1</sup> "Cum maximo applausu et apparatu ad laudem Dei et leticiam totius populi." Acts of the Parliament of Scotland, vol. ii. p. 31.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 54.

<sup>3</sup> Sir Thomas Boyd of Kilmarnock, in his account in Exchequer, of the rent of Duchale in Ward, takes credit for the following payment:—"Et per solucionem factam Domino Comiti de Douglas, locum tenenti domini regis, in partem feodi sui de anno 1438, dicto domino locum

undoubtedly the most powerful subject in Scotland, and whose revenue, from his estates at home and in France, was probably nearly equal to that of his sovereign, was the son of Archibald fourth earl of Douglas, who was slain at the battle of Verneuil, and of Margaret daughter to King Robert the Third, so that he was nephew of the late king. His power, however, proved to be of short duration, for he lived little more than a year after his nomination to this high office.

It is unfortunate that no perfect record has been preserved of the proceedings of the first parliament of James the Second. From a mutilated fragment which remains, it is certain that it was composed, as usual, of the clergy, barons, and commissaries of the burghs; and that all alienations of lands, as well as of moveable property, which happened to be in the possession of the late king at his death, and which had been made without consent of the three estates, were revoked, whilst an inventory of the goods and treasure in the royal coffers was directed to be taken, and an injunction given, that no alienation of the king's lands or property should be made to any person whatever, without the consent of the three estates, until he had reached his full age of twenty-one years.<sup>1</sup> We may conjecture, on strong grounds, that the subjects to which the general council next turned their attention, were the establishment of a peace with England, and the renewal of amicable relations with the court of France, and the commercial states of Holland.

With regard to peace with England, various circumstances concurred in the condition of that country to facilitate the negotiation. Under the minority of

tenenti fatenti receptum super computum sexaginta librarum." MS. Chamberlain Rolls, sub anno 1438.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 31.

Henry the Sixth, the war with France, and the struggle to maintain unimpaired the conquests of Henry the Fifth, required a concentration of the national strength and resources, which must have been greatly weakened by any invasion upon the part of Scotland; and the Cardinal of Winchester, who was at this time possessed of the principal power in the government, was uncle to the Queen of Scotland. Commissioners were accordingly despatched by the Scottish parliament,<sup>1</sup> who, after a meeting with the English envoys, found little difficulty in concluding a nine years' truce between the two kingdoms, which was appointed to commence on the 1st of May, 1438, and to terminate on the 1st of May, 1447.<sup>2</sup> Its provisions contain some interesting enactments regarding the commercial intercourse between the two countries, deformed indeed by those unwise restrictions which were universal at this time throughout Europe, yet evincing an ardent anxiety for the prosperity of the country. In addition to the common stipulations against seizing vessels driven into port, and preventing shipwrecked mariners from returning home, it was agreed, that if any vessel belonging to either country were carried by an enemy into a port of the other kingdom, no sale of the vessel or cargo should be permitted, without the consent of the original owners; that no vessel, driven into any port, should be liable to arrest for any debt of the king, or of any other person, but that all creditors should have safe-conducts, in order to sue for and recover their debts, with lawful damages and interest; that in cases of shipwreck, the property should be preserved and

<sup>1</sup> Rymer, *Fœdera*, vol. x. pp. 679, 680, 684.

<sup>2</sup> Chamberlain MS. *Rolls*, computum Johannis de Fyfe Receptoris firmarum de Schines, &c. "Et allocatur pro expensis Dominorum de Gordoun, et de Montegomeri ac aliorum ambassatorum regni factis in Anglia pro treugis inter regna ineundis. iiii<sup>ss</sup> iiij<sup>ss</sup> vi<sup>ss</sup> viii<sup>ss</sup>."

delivered to the owners ; that when goods were landed for the purpose of repairing the ship, they might be reshipped in the same, or in any other vessel, without payment of duties ; and that vessels of either kingdom, putting into ports of the other in distress for provisions, might sell goods for that purpose without being chargeable with customs for the rest of the cargo. It was finally provided, that no wool or woolfels should be carried from one kingdom to the other, either by land or by water ; and that, in all cases of depredation, not only the chief offenders, but also the receivers and encouragers, and even the communities of the towns in which the plundered goods were received, should be liable for compensation to the sufferers, who might sue for redress before the conservators of the truce, or the wardens of the marches. The principal of these conservators for England were, the king's uncle, the Duke of Gloucester, and his kinsman, the Duke of Norfolk, with the Earls of Salisbury, Northumberland, and Westmoreland ; and for Scotland, Archibald earl of Douglas and duke of Touraine, with the Earls of Angus, Crawford, and Avendale, and the Lords Gordon, Maxwell, Montgomery, and Crichton.<sup>1</sup> Care was taken to send an intimation of the truce to the Scottish merchants who were resident in Holland and in Zealand ; and with regard to France, although there can be little doubt, from the ancient alliance with Scotland, and the marriage of the sister of the king to the dauphin, that the feelings of the country were strongly attached to the cause of Charles the Seventh, and that the total expulsion of the English would have been an event joyfully welcomed in Scotland ; yet the reverses experienced in the battles of Crevant and

<sup>1</sup> Rymer, *Fœdera*, vol. x. p. 695. *Rotuli Scotiæ*, vol. ii. pp. 306, 310. M'Pherson's *Annals of Commerce*, vol. i. p. 654.

Verneuil, effectually cooled the ardour of that kingdom for foreign war, and appear to have compelled the nation to a temporary and unwilling neutrality.

We have seen that Antony bishop of Urbino, the papal legate, was in Scotland at the time of the murder of the late king, and that a general council of the clergy, which had been called at Perth for the purpose of receiving his credentials, was abruptly broken off by this event. The destruction of all contemporary records has unfortunately left the proceedings of this council in complete obscurity; and we only know, that towards the conclusion of the year 1438, Sir Andrew Meldrum, a knight of St John of Jerusalem, was despatched through England into Scotland, on a mission connected with the "good of religion," and that a papal nuncio, Alfonso de Crucifubreis, proceeded about the same time to the Scottish court.<sup>1</sup> It is not improbable that the church, which at the present moment felt deep alarm from the disorders of the Hussites in Bohemia, and the growth of heresy in England, was anxious to engage on its side the council and ministers of the infant monarch of Scotland, and to interest them in putting down those heterodox opinions, which, it is certain, during the last reign had made a considerable progress in that country.

An extraordinary event now claims our attention, which is involved in much obscurity, but drew after it important results. The queen-mother soon found that the castle of Edinburgh, an asylum which she had so willingly sought for her son the king, was rendered, by the vigilance and jealousy of Crichton the governor, much too difficult of access to herself and her friends. It was, in truth, no longer the queen, but this ambitious baron, who was the keeper of the royal person. Under

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 311.

the pretence of superintending the expenses of the household, he seized<sup>1</sup> and dilapidated the royal revenues, surrounded the young sovereign by his own creatures, and permitted neither the queen-mother, the lieutenant-general of the kingdom, nor Sir Alexander Livingston of Callendar, a baron who had been in high favour with the late king, to have any share in the government. Finding it impossible, by any remonstrances, to obtain her wishes, the queen had recourse to stratagem. At the conclusion of a visit of a few days, which she had been permitted to pay to her son, it was dexterously managed that the prince should be concealed in a large wardrobe chest, which was carried along with some luggage out of the castle. In this he was conveyed to Leith, and from thence transported by water to Stirling castle, the jointure-house of his mother, which was at this time under the command of Livingston of Callendar. Whether the Earl of Douglas, the Bishop of Glasgow who was chancellor, or any of the other officers of state, were privy to this successful enterprise, there are unfortunately no documents to determine; but it seems difficult to believe that the queen should have undertaken it, and carried it through, without some powerful assistants; and it is still more extraordinary that no proceedings appear to have been adopted against Crichton, for his unjustifiable seclusion of the youthful monarch from his mother; an act which, as it appears in the history of the times, must have almost amounted to treason.

The records of a parliament, which was held at Edinburgh on the 27th of November, 1438, by the Earl of Douglas, therein styled the lieutenant-general of the realm; and of a second meeting of the three

<sup>1</sup> Chamberlain MS. Rolls, computum Thomæ Cranstoun. Receptoris reddituum regis ex parte australi aquæ de Forth. July 18, 1438.

estates, which assembled at Stirling on the 13th of March, in the same year, are so brief and mutilated, that little light can be elicited either as to the different factions which unquestionably tore and divided the state, or regarding the provisions which were adopted by the wisdom of parliament for the healing of such disorders.

There is, indeed, a general provision for the remedy of the open plunder and robbery then prevalent in the country. The sheriff, within whose county the thieves had taken refuge, was commanded to see strict restoration made, and to denounce as rebels to the king's lieutenant, all who refused to obey him, under the penalty of being himself removed from his office, and punished as the principal offender. But where there is strong reason to suspect that the lieutenant and the greater barons were themselves the robbers, and that the sheriffs were their immediate dependants, it may easily be believed, that unless in instances where they were desirous of cutting off some unfortunate spoiler, who had incurred their resentment, the act was most imperfectly executed, if not universally evaded.<sup>1</sup>

Having liberated her son the king from the durance in which he had been kept by Crichton, the queen-mother appears for some time to have reposed unlimited confidence in the fidelity of Sir Alexander Livingston; whilst the Earl of Douglas, the most powerful man in the state, refused to connect himself with any faction; and, although nominally the lieutenant-general of the kingdom, took little interest in the scene of trouble and intrigue with which the youthful monarch was surrounded. It does not even

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 32.



appear that he presided in a parliament which was assembled at Stirling, probably a short time after the successful issue of the enterprise of the queen. In this meeting of the three estates, the dreadful condition of the kingdom, and the treasonable conduct of Sir William Crichton, were, as far as we can judge from the mutilated records which have been preserved, the principal subjects for consideration. It was resolved, that there should be two sessions held yearly within the realm, in which the lord-lieutenant and the king's council should sit; the first to begin on the day after the exaltation of Holy Cross, and the second on the first Monday in Lent thereafter following. At the same time, an enactment was passed, with an evident reference to Crichton, by which it was ordained, that where any rebels had taken refuge within their castles or fortalices, and held the same against lawful authority, or wherever there was any "violent presumption of rebellion and destruction of the country," it became the duty of the lieutenant to raise the lieges, to besiege such places, and arrest the offenders, of whatever rank they might be.<sup>1</sup>

The Earl of Douglas, however, either too indolent to engage in an employment which would have required the utmost resolution, or too proud to embroil himself with what he considered the private feuds between Crichton and Livingston, refused to carry the act into execution; and Livingston, having raised his vassals, laid siege in person to the castle of Edinburgh. The events immediately succeeding are involved in much obscurity; so that, in the absence of original authorities, and the errors and contradictions

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 32.

of historians, it is difficult to discover their true causes, or to give any intelligible account of the sudden revolutions which took place. Amid these difficulties, I adopt the narrative which approaches nearest to those fragments of authentic evidence that have survived the common wreck.

When he perceived that he was beleaguered by the forces of Livingston, Crichton, who did not consider himself strong enough to contend singly against the united strength of the queen and this baron, secretly proposed a coalition to the Earl of Douglas; but his advances were received by that powerful chief with infinite scorn. The pride of the haughty potentate could ill brook any suggestion of a division of authority with one whom he considered so far beneath him; and it is said that, in a fit of bitter irony, he declared how much satisfaction it would give him if his refusal should cause two such unprincipled disturbers of the public peace mutually to destroy each other. These rivals, however, although either of them would willingly have risen upon the ruin of the other, were too crafty to fulfil the wishes of the Earl of Douglas; and his proud answer, which was soon carried to their ears, seems to have produced in their minds a disposition towards a settlement of their differences. It was evident that, singly, they could have little hope of resisting the lieutenant-general of the kingdom: but Livingston possessed the confidence of the queen-mother, and the custody of the king her son; and with this weight thrown into the scale, it was not unlikely that a coalition might enable them to make head against his authority. The result of such mutual feelings was a truce between the rival lords, which ended in a complete reconciliation, and in the delivery of the castle of Edinburgh into the hands of Sir

William Livingston. The young king, whom he had carried along with him to Edinburgh, was presented by Crichton with the keys of the fortress, and supped there on the night when the agreement was concluded : on the morrow, the new friends divided between them the power which had thus fallen into their hands. Cameron bishop of Glasgow, who was a partisan of the house of Douglas, and filled the place of chancellor, was deprived of a situation in which there is reason to believe he had behaved with much rapacity. The vacant office was bestowed upon Crichton, whilst to Livingston was committed the guardianship of the king's person, and the chief management in the government.<sup>1</sup> With regard to Douglas, it is not easy to ascertain what measures were resolved upon ; and it is probable that this great noble, confident in his own power, and in the high trust committed to him by the parliament, would have immediately proceeded against the confederate lords, as traitors to the state ; but at this important crisis he was suddenly attacked by a malignant fever, and died at Restalrig, on the 26th of June, 1439,<sup>2</sup> leaving an immense and dangerous inheritance of power and pride to his son, a youth of only seventeen years of age.

The coalition might, therefore, for the present, be regarded as completely triumphant ; and Livingston and Crichton, possessed of the king's person, and enjoying that unlimited command over the queen-mother, against which an unprotected woman could

<sup>1</sup> May 3, 1439, Cameron is chancellor. Mag. Sig. iii. 123. June 10, 1439, Crichton is chancellor. Ibid. ii. 141.

<sup>2</sup> Gray's MS. Advocates' Library, rr. i. 17. "Obitus Domini Archibaldi Ducis Turonensis Comitis de Douglas ac Domini Galwidie, apud Restalrig, 26 die mensis Junii, anno 1439, qui jacet apud Douglas." See, for a beautiful engraving of his monument, Blore's Monumental Remains, Part I. No. IV. a work which, it is to be regretted, did not meet with the encouragement it justly merited.

offer no resistance, were at liberty to reward their friends, to requite their enemies, and to administer the affairs of the government with a power which, for a while, seemed little short of absolute. The consequences of this state of things were such as might have been anticipated. The administration of the government became venal and disorderly. Owing to the infancy of the king, and the neglect of appointing a lieutenant-general, or governor of the realm, in the place of the Duke of Touraine, the nation knew not where to look for that firm controlling authority which should punish the guilty and protect the honest and industrious. Those tyrannical barons with which Scotland at this period abounded, in common with the other countries of Europe, began to stir and be busy in the anticipation of a rich harvest of plunder, and to entertain and increase their troops of retainers, whose numbers and strength, as they calculated, would induce Livingston, Crichton, and the lords of their party, to attach them at any price to their service.

Meanwhile, in the midst of this general confusion, the right of private war, and the prevalence of deadly feud, those two curses of the feudal system, flourished in increased strength and virulence. Sir Alan Stewart of Darnley, who had held the high office of constable of the Scottish army in France,<sup>1</sup> was treacherously slain at Polmais thorn, between Falkirk and Linlithgow, by Sir Thomas Boyd of Kilmarnock, for "auld feud which was betwixt them;" in revenge of which Sir Alexander Stewart collected his vassals, and "in plain battle," to use the expressive words of an old historian, "manfully set upon Sir Thomas Boyd, who was cruelly slain, with many brave men on both

<sup>1</sup> Andrew Stewart's *History of the Stewarts*, pp. 165, 166.

sides." The ground where the conflict took place was at Craignaucht hill, a romantic spot near Neilston in Renfrewshire ; and with such determined bravery was it contested, that, it is said, the parties by mutual consent retired sundry times to rest and recover breath, after which they recommenced the combat to the sound of the trumpet, till the victory at last declared for the Stewarts. These slaughters and contests amongst the higher ranks produced their usual abundant increase of robbery, plunder, burning, and murder, amongst the large body of the friends and vassals who were in the remotest degree connected with the parties ; so that, whilst Livingston and Crichton possessed the supreme power, and, with a few of their favourites, flourished upon the outlawries and forfeitures, and kept a firm hold over the person of the youthful monarch, whom they immured along with his mother, the queen, in Stirling castle, the state of the country became so deplorable as to call aloud for redress.

*Joanne.* It was at this dark period that the queen-mother, who was in the prime of life, and still a beautiful woman, finding that she was little else than a prisoner in the hands of Livingston, determined to procure protection for herself by marriage. Whether it was an alliance of love or of ambition, is not apparent ; but it is certain that Margaret, unknown to the faction by whom she was so strictly guarded, espoused Sir James Stewart, third son of John Stewart lord Lorn,<sup>1</sup> and commonly known by the name of the Black Knight of Lorn. This powerful baron was in strict alliance with the house of Douglas.<sup>2</sup> As

<sup>1</sup> Duncan Stewart's Historical and Genealogical Account of the Royal Family of Scotland, p. 171.

<sup>2</sup> Lealey's History, p. 14. Bannatyne edition.

husband of the queen-mother, to whom, in the first instance, the parliament had committed the custody of the king's person, he might plausibly insist upon a principal share in the education of the youthful prince, as well as in the administration of the government; and a coalition between the party of the queen-mother and the Earl of Douglas, might, if managed with prudence and address, have put a speedy termination to the unprincipled tyranny of Livingston.

But this able and crafty baron, who ruled all things around the court at his pleasure, had earlier information of these intrigues than the queen and her husband imagined; and whilst they, confiding in his pretended approval of their marriage, imprudently remained within his power, Sir James was suddenly arrested, with his brother, Sir William Stewart, and cast into a dungeon in Stirling castle, with every circumstance of cruelty and ignominy. An ancient manuscript affirms, that Livingston put "thaim in pittis and bollit thaim;"<sup>1</sup> an expression of which the meaning is obscure; but to whatever atrocity these words allude, it was soon shown that the ambition and audacity of the governor of Stirling was not to be contented with the imprisonment of the Black Knight of Lorn. Almost immediately after this act of violence, the apartments of the queen herself, who then resided in the castle, were invaded by Livingston; and although the servants of her court, headed by Napier,<sup>2</sup> one of her household, made a violent resistance, in which this gentleman was wounded, his royal mistress was torn from her chamber, and committed to an apartment,

<sup>1</sup> Auchinleck Chronicle, privately printed by Mr Thomson, Deputy-clerk Register of Scotland, p. 34, almost the solitary authentic record of this obscure reign.

<sup>2</sup> Royal Charter by James II., March 7, 1449-50, to Alexander Napier, of the lands of Philde, Mag. Sig. iv. 4.

where she was placed under a guard, and cut off from all communication with her husband or his party.

It is impossible to believe that Livingston would have dared to adopt these treasonable measures, which afterwards cost him his head, unless he had been supported by a powerful faction, and by an armed force which, for the time, was sufficient to overcome all resistance. The extraordinary scene which followed, can only be explained upon this supposition. A general convention of the nobility was held at Stirling, after the imprisonment of the queen. It was attended by the Bishops of Glasgow, Moray, Ross, and Dunblane, upon the part of the clergy; and for the nobility, by the Earl of Douglas, Alexander Seton lord of Gordon, Sir William Crichton, chancellor, and Walter lord of Dirleton; and at the same time, that there might at least be an appearance of the presence of a third estate, James of Parcle, commissary of Linlithgow, William Cranston, burgess and commissary of Edinburgh, and Andrew Reid, burgess and commissary of Inverness, were present as representatives of the burghs, and sanctioned, by their seals, the transaction which took place. In this convention, the queen-mother, with advice and consent of this faction, which usurped to themselves the name of the three estates, resigned into the keeping of Sir Alexander Livingston of Callendar, the person of the king, her dearest son, until he had reached his majority: she, at the same time, surrendered, in loan, to the same baron, her castle of Stirling, as the residence of the youthful monarch; and for the due maintenance of his household and dignity, conveyed to him her annual allowance of four thousand marks, granted by the parliament upon the death of the king her husband. The same deed which recorded this strange and unexpected revolution,

declared that the queen had remitted to Sir Alexander Livingston and his accomplices, all rancour of mind, which she had erroneously conceived against them, for the imprisonment of her person, being convinced that their conduct had been actuated by none other motives than those of truth, loyalty, and a zealous anxiety for the safety of their sovereign. It provided, also, that the lords and barons, who were to compose the retinue of the queen, should be approved of by Livingston; and that this princess might have access to her son at all times, with the cautious proviso, that such interview should take place in the presence of unsuspected persons: in the event of the king's death, the castle was to be redelivered to the queen; and it was lastly stipulated that the Lord of Livingston and his friends were not to be annoyed or brought "nearer the death" for any part which they might have acted in these important transactions.<sup>1</sup>

It would be ridiculous to imagine that this pardon and sudden confidence, bestowed with so much apparent cordiality, could be any thing else than hollow and compulsory. That the queen should have received into her intimate councils the traitors who, not a month before, had violently seized and imprisoned her husband, invaded her royal chamber, staining it with blood, and reducing her to a state of captivity, is too absurd to be accounted for even by the mutability of female caprice. The whole transaction exhibits an extraordinary picture of the country; of the despotic power which, in a few weeks, might be lodged in the hands of a successful and unprincipled faction; of the pitiable weakness of the party of the queen, and the corruption and venality of the great officers of the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 54. The act is dated September 4, 1439.



crown. It must have been evident to the queen-mother that Livingston and Crichton divided between them the supreme power; and, in terror for the life of her husband, and dreading her own perpetual imprisonment, she seems to have consented to purchase security and freedom at the price of the liberty and independence of the king her son, then a boy in his ninth year. He was accordingly delivered up to Livingston, who kept him in a state of honourable captivity at Stirling.

This state of things could not be of long continuance. The coalition was from the first purely selfish; it depended for its continuance upon the strict division of authority between two ambitious rivals; and soon after, the chancellor, jealous of the superior power of Livingston, determined to make him sensible on how precarious a basis it was founded. Seizing the opportunity of the governor's absence at Perth, he rode with a strong body of his vassals, under cover of night, to the royal park of Stirling, in which the king was accustomed to take the pastime of the chase. Crichton, favoured by the darkness, concealed his followers in the wood; and, at sunrise, had the satisfaction to see the royal cavalcade approach the spot where he lay in ambush. In an instant the youthful monarch was surrounded by a multitude which rendered resistance hopeless; and the chancellor, kneeling, and with an action rather of affectionate submission than of command, taking hold of his bridle rein, besought him to leave that fortress, where he was more a prisoner than a king, and to permit himself to be rescued by his faithful subjects, and restored to his free rights as a sovereign. Saying this, Crichton conducted his willing victim, amid the applauses and loyal protestations of his vassals, to Linlithgow, where he was met by an

armed escort, who conducted him to the castle of Edinburgh.<sup>1</sup>

To the king himself, this transaction brought merely a change of masters; but to Livingston it was full not only of mortification, but danger. Although he would have been glad to have availed himself of the power, he distrusted the youth and versatility of the Earl of Douglas. To the queen-mother he had given cause of mortal offence; and there was no other individual in the country whose authority, if united to his own, was weighty enough to counteract the exorbitant power of the chancellor. He had recourse, therefore, to dissimulation; and coming to Edinburgh, accompanied by a small train, he despatched a flattering message to Crichton, deplored the misunderstanding which had taken place, and expressed his willingness to submit all differences to the judgment of their mutual friends, and to have the question regarding the custody of the royal person determined in the same manner. It happened that there were then present in Edinburgh two prelates, whose character for probity and wisdom peculiarly fitted them for the task of reconciling the rival lords. These were Leighton bishop of Aberdeen, and Winchester bishop of Moray, by whose mediation Crichton and Livingston, unarmed, and slenderly attended, repaired to the church of St Giles, where a reconciliation took place; the charge of the youthful monarch being once more intrusted to Livingston,<sup>2</sup> whilst the chancellor was rewarded by an increase of his individual authority in the management of the state, and the advancement of his personal friends to offices of trust and emolument.<sup>3</sup>

<sup>1</sup> January, 1439. Lesley's History, p. 15.

<sup>2</sup> Crawford's Officers of State, p. 28. Pinkerton, vol. i. p. 191.

<sup>3</sup> Buchanan and Bishop Lesley erroneously suppose that the custody of the king's person remained with the chancellor Crichton.

In the midst of these selfish and petty contests for power, the people were afflicted by almost every scourge which could be let loose upon a devoted country: by intestine feuds, by a severe famine, and by a wide-spread and deadly pestilence. The fierce inhabitants of the Western Isles, under the command of Lauchlan Maclean and Murdoch Gibson, two leaders notorious for their spoliations and murders, broke in upon the continent; and not content with the devastation of the coast, pushed forward into the heart of the Lennox, where they slew Colquhoun of Luss in open battle, and reduced the whole district to the state of a blackened and depopulated desert.<sup>1</sup> Soon after this, the famine became so grievous, that multitudes of the poorer classes died of absolute want. It is stated in an ancient contemporary chronicle, that the boll of wheat was then generally sold at forty shillings, and the boll of oatmeal at thirty. We know from the authority of Stow, that the scarcity was also severely felt in England, where wheat rose from its ordinary price of five shillings and fourpence the quarter to one pound; and soon after, in the course of the year 1440, to one pound four shillings. The consequences of unwholesome food were soon seen in a dreadful sickness of the nature of dysentery, which broke out amongst the people, and carried away great numbers; so that, when the pestilence soon after arrived in Scotland, and its ravages were added to the already widely spread calamity, the unhappy country seemed rapidly advancing to a state of depopulation. This awful scourge, which first showed itself at Dumfries, was emphatically denominated "the pestilence without mercy," for none were seized with it who did

<sup>1</sup> Auchinleck Chronicle, p. 34.

not certainly die within twenty-four hours after the attack.<sup>1</sup>

To these prolific causes of national misery, there was added another in the overgrown power of the house of Douglas, and the evils which were encouraged by the lawless demeanour of its youthful chief. Upon the death of Archibald duke of Touraine and fifth Earl of Douglas, we have seen that the immense estates of this family devolved upon his son William, a youth who was then only in his seventeenth year; a period of life liable, even under the most common circumstances, to be corrupted by power and adulation. To Douglas, however, the accession brought a complication of trials, which it would have required the maturity of age and wisdom to have resisted. As Duke of Touraine, he was a peer of France, and possessed one of the richest principalities in that kingdom. In his own country, he inherited estates, or rather provinces, in Galloway, Annandale, Wigtown, and other counties, which were covered by warlike vassals, and protected by numerous castles and fortalices; and in ancestry, he could look to a long line of brave progenitors, springing, on the father's side, from the heroic stock of the Good Sir James, and connected, in the maternal line, with the royal family of Scotland. The effects of all this upon the character of the youthful earl, were not long of making their appearance. He treated every person about him with an unbounded arrogance of demeanour; he affected a magnificence which outshone the splendour of the sovereign: when summoned by the governor in the name of the king, he disdained to attend the council-general, where he was bound to

<sup>1</sup> Auchinleck Chronicle, p. 34. "Thar tuke it nain that ever recoverit, bot thai deit within twenty-four houris." Fleetwood, Chron. Preciosum, p. 83.

give suit and service as a vassal of the throne; and in the reception he gave to the messages which were addressed to him, carried himself more as a supreme and independent prince, than a subject who received the commands of his master. Soon after the death of his father, he despatched Malcolm Fleming of Biggar, along with Alan Lauder of the Bass, as his ambassadors to carry his oath of allegiance to the French monarch, and receive his investiture in the dukedom of Touraine. The envoys appear to have been warmly welcomed by Charles the Seventh; and, flattered by the reception which was given them, as well as by his immediate accession to his foreign principality, Douglas increased his train of followers, enlisted into his service multitudes of idle, fierce, and unprincipled adventurers, who wore his arms, professing themselves his vassals only to obtain a license for their tyranny, whilst within his own vast territories he openly insulted the authority of the government, and trampled upon the restraints of the laws.

A parliament in the meantime was assembled (2d August, 1440) at Stirling, for the purpose of taking into consideration the disordered state of the country; and some of those remedies were again proposed which had already been attended with such frequent failure, not so much from any defect in principle, as from the imperfect manner in which they were carried into execution. It was declared that the holy church should be maintained in freedom, and the persons and property of ecclesiastics universally protected: according to ancient usage, the justiciars on the southern and northern sides of the Firth of Forth were commanded to hold their courts twice in the year, whilst the same duty was to be faithfully

performed by the lords of regalities within their jurisdiction, and by the judges and officers of the sovereign upon the royal lands. On the occurrence of any rebellion, slaughter, or robbery, it was ordained that the king should instantly ride in person to the spot, and, summoning before him the sheriff of the county, see immediate justice done upon the offenders; for the more speedy execution of which, the barons were directed to assist with their persons, vassals, and property.<sup>1</sup> It was, in all probability, at this parliament, that those grievous complaints were presented concerning the abuses which then prevailed throughout the country, which Lindsay of Pitscottie, the amusing historian of these times, has described as originating in the overgrown power of the house of Douglas. "Many and innumerable complaints were given in, whereof the like were never seen before. There were so many widows, bairns, and infants, seeking redress for their husbands, kindred, and friends, that were cruelly slain by wicked, bloody murderers, sicklike many for herschip, theft and reif, that there was no man but he would have ruth and pity to hear the same. Shortly, murder, theft, and slaughter, were come in such dalliance among the people, and the king's acts had fallen into such contempt, that no man wist where to seek refuge, unless he had sworn himself a servant to some common murderer or bloody tyrant, to maintain him contrary to the invasion of others, or else had given largely of his gear to save his life, and afford him peace and rest."<sup>2</sup>

There can be little doubt that this dreadful state of things was to be ascribed as much to the misgovernment of Livingston, and the lawless domiunion of

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 32, 33.

<sup>2</sup> Pitscottie's History of Scotland, p. 24.

Crichton, as to the evil example which was afforded by the Earl of Douglas. On the one hand, that proud potentate, whilst he kept at a distance from court, and haughtily declined all interference with government, excused himself by alleging that the custody of the sovereign, and the management of the state, were in the hands of two ambitious and unprincipled tyrants, who had treasonably possessed themselves of the king's person, and sanctioned by their example the outrages of which they complained. On the other, Livingston and the chancellor, with equal asperity, and more of the appearance of justice—for, however unwarrantably, they represented the supreme authority—complained that Douglas refused obedience to the summons of his sovereign; that he affected a state and magnificence unbecoming and dangerous in a subject, and traversed the country with an army of followers, whose excesses created the utmost misery and distress in whatever district he chose to fix his residence. Both complaints were true; and Livingston and Crichton soon became convinced, that, to secure their own authority, they must crush the power of Douglas. For this purpose, they determined to set spies upon his conduct, and either to discover or create some occasion to work his ruin; whilst, unfortunately for himself, the prominent points of his character gave them every chance of success. He was still a youth, ambitious, violent, and courageous, even to rashness; his rivals united to a coolness and wariness, which had been acquired in a long course of successful intrigues, an energy of purpose, and a cruelty of heart, which left no hope for a fallen enemy. In a contest between such unequal enemies, the triumph of the chancellor and Livingston might have been easily anticipated; but, unfortunately, much obscurity hangs over the

history of their proceedings. In this failure of authentic evidence, a conjecture may be hazarded, that these crafty statesmen, by means of the paid flatterers with whom they surrounded the young earl, prevailed upon him to express doubts as to the legitimacy of the title of James the Second to the throne, and to advocate the pretensions of the children of Euphemia Ross, the second queen of Robert the Second. Nor, considering Douglas's own descent, was it at all unlikely that he should listen to such suggestions.<sup>1</sup> By his mother, Euphemia Graham, the daughter of Patrick earl of Strathern, he was descended from Robert the Second; and his second queen, Euphemia countess of Ross, whose children, notwithstanding an act of the legislature which declared the contrary, were disposed to consider their title to the crown preferable to any other. It is well known, on the other hand, that the Earl of Carrick, the son of Robert the Second, by his first marriage with Elizabeth More, was born to that monarch previous to his marriage with his mother, and that he succeeded to the crown by the title of Robert the Third, in consequence of that legal principle which permits the subsequent marriage of the parties to confer legitimacy upon the issue born out of wedlock. Under these circumstances, it is not difficult to imagine that the Earl of Douglas may have been induced to consider his mother's brother, Malise earl of Strathern, as possessed of a more indubitable title to the crown than the present sovereign, and that a conspiracy to employ his immense and overgrown power in reinstating him in his rights

<sup>1</sup> Douglas's Peerage, vol. i. p. 428. By his father, the Earl of Douglas was a near kinsman of the king; for Douglas's father was cousin-german to James the Second, his mother being a daughter to Robert the Third.



may have been a project which was broached amongst his adherents, and carried to the ready ears of his enemies.<sup>1</sup> This theory proceeds upon the idea that Douglas was inclined to support the issue of Euphemia Ross, the queen of Robert the Second, in opposition to those of his first wife, who died before his accession to the throne ; whilst, on the other hand, if the earl considered the title of James the First as unquestionable, he, as the grandson of James's eldest sister Margaret, daughter of Robert the Third, might have persuaded himself that, upon the failure of James the Second without issue, he had a specious claim to the crown. When we take into consideration the fact that Douglas and his brother were tried for high treason, and remember that when the young king interceded for them, Crichton reprimanded him for a desire to gratify his pity at the expense of the security of his throne, it is difficult to resist the inference, that in one or other of these ways the youthful baron had plotted against the crown.

Having obtained sufficient evidence of the guilt of Douglas to constitute against him and his near adherents a charge of treason, the next object of his enemies was to obtain possession of his person. For this purpose the chancellor, Crichton, addressed a letter to him, in which he flattered his youthful vanity, and regretted, in his own name and that of the governor, Livingston, that any misunderstanding should have arisen which deprived the government of his services. He expressed, in the strongest terms, their anxiety that this should be removed, and concluded by inviting

<sup>1</sup> The reader will perhaps remember that the injustice of James the First to this noble youth, in depriving him of the earldom of Strathern, and the determined purpose of vengeance which instantly arose in the bosom of his uncle, Robert Graham, were the causes which led directly to the murder of that monarch.

him to court, where he might have personal intercourse with his royal kinsman, where he would be received with the distinction and consideration befitting his high rank, and might contribute his advice and assistance in the management of the public affairs, and the suppression of those abuses which then destroyed the peace of the country. By this artful conduct, Crichton succeeded in disarming the resentment, without awakening the suspicions, of his opponent; and Douglas, in the openness of his disposition, fell into the snare which had been laid for him. Accompanied by his only brother, David, his intimate friend and counsellor Sir Malcolm Fleming, and a slender train of attendants, he proceeded towards Edinburgh, at that moment the royal residence, and on his road thither was magnificently entertained by the chancellor at his castle of Crichton.<sup>1</sup> From thence he continued his journey to the capital; but before he entered the town, it was observed by some of the gentlemen who rode in his train, that there appeared to be too many private messages passing between the chancellor and the governor; and some of his counsellors, reminding him of an advice of his father, that in circumstances of danger he and his brother ought never to proceed together, entreated him either to turn back, or at least send forward his brother and remain himself where he then was. Confident, however, in his own opinion, and lulled into security by the magnificent hospitality of Crichton, Douglas rebuked his friends for their suspicions; and, entering the city, rode fearlessly to the castle, where he was met at the gates by Livingston with every expression of devotion, and conducted to

<sup>1</sup> *Auctarium Scotichronici*, apud Fordun, vol. ii. p. 514. Same vol. p. 490. Ferrerius, p. 362.

the presence of his youthful sovereign, by whom he was treated with marked distinction.

The vengeance destined to fall upon the Douglasses does not appear to have been immediate. It was necessary to secure the castle against any sudden attack, to find pretences for separating the earl from his accustomed attendants, and to make preparations for the pageant of a trial. During this interval, he was admitted to an intimate familiarity with the king; and James, who had just completed his tenth year, with the warm and sudden affection of that age, is said to have become fondly attached to him: but all was now ready, and the catastrophe at last was deplorably rapid and sanguinary. Whilst Douglas and his brother sat at dinner with the chancellor and Livingston, after a sumptuous entertainment, the courses were removed, and the two youths found themselves accused, in words of rude and sudden violence, as traitors to the state.<sup>1</sup> Aware, when too late, that they were betrayed, they started from table, and attempted to escape from the apartment; but the door was beset by armed men, who, on a signal from Livingston, rushed into the chamber, and seized and bound their victims, regardless of their indignation and reproaches. It is said that the youthful monarch clung around Crichton, and pleaded earnestly, and even with tears, for his friends; yet the chancellor not only refused to listen, but sharply commanded him to cease his intercession for traitors who had menaced his throne. A hurried form of trial was now run through, at which the youthful king was compelled to preside in person; and condemnation having been pronounced, the earl and his brother were instantly

<sup>1</sup> Lealey's Hist. of Scotland, p. 16. I cannot follow the example of this writer in retaining the fable of the bull's head, which is unsupported by contemporary history. Illustrations, H.

carried to execution, and beheaded in the back court of the castle. What were the precise charges brought against them, cannot now be discovered. That they involved some expressions which reflected upon the right of the sovereign, and perhaps embraced a design for the restoration of the children of the second marriage of Robert the Second, from which union Douglas was himself descended, has been already stated as the most probable hypothesis in the absence of all authentic evidence.<sup>1</sup> It is certain, that three days after the execution, Malcolm Fleming of Cumbernauld, their confidential friend and adviser, was brought to trial on a charge of treason, and beheaded on the same ground which was still wet with the blood of his chief.<sup>2</sup>

It might have been expected that the whole power of the house of Douglas would have been instantly directed against Livingston and the chancellor, to avenge an execution, which, although sanctioned by the formality of a trial, was, from its secrecy and cruelty, little better than a state murder. Judging also from the common course adopted by the government after an execution for treason, we naturally look

<sup>1</sup> All the conspiracies against the royal family of Scotland, from the time of Robert Bruce to the execution of the Douglasses, may be accounted for by two great objects: the first, which characterizes the conspiracy of David de Brechin against Robert the First, and that of the Earl of Douglas on the accession of Robert the Second, was the restoration of the right of the Baliols in preference to that of the Bruces; in other words, the reinstating the descendants of the eldest daughter of David earl of Huntingdon, brother to King William the Lion, in their rights, in contradistinction to the children of the second daughter, whom they regarded as having intruded into them. But in addition to this, a second object arose out of the first and second marriages of Robert the Second, which furnished another handle to discontent and conspiracy. To illustrate this, however, would exceed the limits of a note. See Illustrations, I.

<sup>2</sup> Auchinleck Chronicle, p. 35. In the charter-chest of the earldom of Wigtown at Cumbernauld, is preserved the "Instrument of Falsing the Doom of the late Malcolm Fleming of Biggar." See Illustrations, K.

for the confiscation of the estates, and the division of the family property amongst the adherents of the governor and the chancellor; but here we are again met by a circumstance not easily explained. James earl of Avendale, the grand-uncle of the murdered earl, to whom by law the greater part of his immense estates reverted, entered immediately into possession of them, and assumed the title of Earl of Douglas, without question or difficulty. That he was a man of fierce and determined character, had been early shown in his slaughter of Sir David Fleming of Cumbernauld, the father of the unfortunate baron who now shared the fate of the Douglasses;<sup>1</sup> and yet, in an age when revenge was esteemed a sacred obligation, and under circumstances of provocation which might have roused remoter blood, we find him not only singularly supine, but, after a short period, united in the strictest bonds of intimacy with those who had destroyed the head of his house. The conjecture, therefore, of an acute historian, that the trial and execution of the Earl of Douglas was, perhaps, undertaken with the connivance and assistance of the next heir to the earldom, does not seem altogether improbable; whilst it is difficult to admit the easy solution of the problem which is brought forward by other inquirers, who discover that the uncommon obesity of the new successor to this dignity may have extinguished in him all ideas of revenge.

The death of the Earl of Douglas had the effect of abridging, for a short season, the overgrown power of the family. His French property and dukedom of Touraine, being a male fief, returned to the crown of France, whilst his large unentailed estates in the counties of Galloway and Wigtown, along with the

<sup>1</sup> *Supra*, vol. ii. p. 463.

domains of Balvenie and Ormond, reverted to his only sister Margaret, the most beautiful woman of her time, and generally known by the appellation of the Fair Maid of Galloway. The subsequent history of this youthful heiress affords another presumption that the alleged crime of Douglas, her brother, was not his overgrown power, but his treasonable designs against the government; for within three years after his death, William earl of Douglas, who had succeeded to his father, James the Gross, was permitted to marry his cousin of Galloway, and thus once more to unite in his person the immense estates of the family. Euphemia, also, the Duchess of Touraine, and the mother of the murdered earl, soon after the death of her son, acquired a powerful protector, by marrying Sir James Hamilton of Cadyow, afterwards Lord Hamilton.<sup>1</sup>

In the midst of these proceedings, which for a time strengthened the authority of Livingston and the chancellor, the foreign relations of the kingdom were fortunately of the most friendly character. The intercourse with England, during the continuance of the truce, appears to have been maintained without interruption, not only between the subjects of either realm, who resorted from one country to the other for the purposes of commerce, travel, or pleasure, but by various mutual missions and embassies, undertaken apparently with the single design of confirming the good dispositions which subsisted between the two countries. With France the communication was still more cordial and constant; whilst a marriage between the Princess Isabella, the sister of the king, and Francis de Montfort, eldest son to the Duke of Bretagne,

<sup>1</sup> Andrew Stewart, *Hist. of House of Stewart*, p. 464.

increased the friendship between the two kingdoms. An anecdote, preserved by the historian of Brittany, acquaints us with the character of the princess, and the opinions of John, surnamed the Good and Wise, as to the qualifications of a wife. On asking his ambassadors, after their return from Scotland, what opinion they had formed regarding the lady, he received for answer, that she was beautiful, elegantly formed, and in the bloom and vigour of health; but remarkably silent: not so much, as it appeared to them, from discretion, as from extreme simplicity. "Dear friends," said John the Good and Wise, "return speedily and bring her to me. She is the very woman I have been long in search of. By St Nicholas! a wife seems, to my mind, sufficiently acute if she can tell the difference between her husband's shirt and his shirt ruffle."<sup>1</sup>

The general commercial prosperity of the Netherlands, with which Scotland had for many centuries carried on a flourishing and lucrative trade, had been injured at this time by a war with England, and by intestine commotions amongst themselves; but with Scotland their commercial relations do not appear to have experienced any material interruption; and although the precise object of his mission is not discoverable, Thomas bishop of Orkney, in 1441, repaired to Flanders, in all probability for the purpose of confirming the amicable correspondence between the two countries, and congratulating them on the cessation of foreign war and domestic dissension.<sup>2</sup> Whilst such were the favourable dispositions entertained by

<sup>1</sup> See Lobineau *Histoire de Bretagne*, pp. 619, 621, for a beautiful portrait of this princess, taken from an original in the cathedral church of Vannes.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 319.

England, France, and the Netherlands, it appears, from the public records, that the court of Rome was anxious at this time to maintain a close correspondence with Scotland; and there is reason for suspecting that the growth of Lollardism, and the progress of those heretical opinions for which Resby had suffered in 1407, and against which the parliament of James the First directed their censures in 1424, were the causes which led to the frequent missions from the holy see. In 1438, Andrew Meldrum, a knight of St John of Jerusalem, paid a visit to the Scottish court, on a mission connected with the good of religion. In the following year, Alfonso de Crucifubreis, the papal nuncio, obtained a passport for the purpose of proceeding through England into Scotland; and, in 1439, William Croyser, a native of that country, but apparently resident at Rome, invested also with the character of nuncio of the apostolic see, and in company with two priests of the names of Turnbull and Lithgow, repaired to Scotland, where he appears to have remained, engaged in ecclesiastical negotiations, for a considerable period. It is unfortunate that there are no public muniments which tend to explain or to illustrate the specific object of the mission.<sup>1</sup>

But although threatened with no dangers from abroad, the accumulated evils which in all feudal kingdoms have attended the minority of the sovereign, continued to afflict the country at home. On the death of his father, James the Gross, the ability, the pride, and the power of the house of Douglas, revived with appalling strength and vigour in William, the eighth Earl of Douglas, his son and successor, inferior in

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 302-315. *Ibid.* pp. 311, 317.



talents and ambition to none who had borne the name before him. By his mother, Lady Beatrix Sinclair, he was descended from a sister of King Robert the Third;<sup>1</sup> by his father, from the Lady Christian Bruce, sister of Robert the First.<sup>2</sup> His extensive estates gave him the command of a more powerful army of military vassals than any other baron in the kingdom, whilst the situation of these estates made him almost an absolute monarch upon the borders, which, upon any disgust or offence offered him by the government, he could open to the invasion of England, or fortify against the arm and authority of the law. He was supported also by many warlike and potent lords in his own family, and by connexion with some of the most ancient and influential houses in Scotland. His mother, a daughter of the house of Sinclair earl of Orkney, gave him the alliance of this northern baron; his brothers were the Earls of Moray and Ormond; by his married sisters, he was in strict friendship with the Hays of Errol, the Flemings, and the Lord of Dalkeith.

The possession of this great influence only stimulated an ambitious man like Douglas to grasp at still higher authority; and two paramount objects presented themselves to his mind, to the prosecution of which he devoted himself with constant solicitude, and which afford a strong light to guide us through a portion of the history of the country hitherto involved in obscurity. The first of these was to marry the Fair Maid of Galloway, his own cousin, and thus once more unite in his person the whole power of the house of Douglas: the second, by means of this overwhelming influence, to obtain the supreme management of the state, as governor of the kingdom, and to act over again the

<sup>1</sup> Douglas's Peerage, vol. i. p. 429.

<sup>2</sup> Ibid. vol. i. p. 220.

history of the usurpation of Albany and the captivity of James the First. It must not be forgotten also, that the heiress of Galloway was descended by the father's side from the eldest sister of James the First, and by the mother from David earl of Strathern, eldest son of Robert the Second, by his second marriage. It is not therefore impossible, that, in the event of the death of James the Second, some vague idea of asserting a claim to the crown may have suggested itself to the imagination of this ambitious baron.

Upon Livingston and the chancellor, on the other hand, the plans of Douglas could not fail to have an important influence. The possession of such overgrown estates in the hands of a single subject, necessarily rendered his friendship or his enmity a matter of extreme importance to these statesmen whose union was that of fear and necessity, not of friendship. Both were well aware that upon the loss of their offices, there would be a brief interval between their disgrace and their destruction. Crichton knew that he was liable to a charge of treason for the forcible seizure of the king's person at Stirling; Livingston, that his imprisonment of the queen, and his usurpation of the government, made him equally guilty with the chancellor; and both, that they had to answer for a long catalogue of crimes, confiscations, and illegal imprisonments, which, when the day of reckoning at last arrived, must exclude them from all hope of mercy. To secure, therefore, the exclusive friendship of Douglas, and to employ his resources in the mutual destruction of each other, was the great object which governed their policy. In the meantime, the youthful monarch, who had not yet completed his thirteenth year, beheld his kingdom transformed into a stage, on which his nobles contended for the chief power; whilst his subjects were cruelly

oppressed, and he himself handed about, a passive puppet, from the failing grasp of one faction, into the more iron tutelage of a more successful party in the state. It is scarcely possible to conceive a more miserable picture of a nation, either as it regards the happiness of the king or of the people.

It is not therefore surprising, that, soon after this, the state of the country, abandoned by those who possessed the highest offices only to convert them into instruments of their individual ambition, called loudly for some immediate interference and redress. Sir Robert Erskine, who claimed the earldom of Mar, and apparently on just grounds, finding himself opposed by the intrigues of the chancellor, took the law into his own hands, and laying siege to the castle of Kildrummie, carried it by storm; upon which the king, or rather his ministers, seized the castle of Alloa, the property of Erskine. This same baron, as sheriff of the Lennox, was governor of Dunbarton, one of the strongest fortresses in the kingdom; but during his absence in the north, Galbraith of Culcreuch, a partisan of the Earl of Douglas, with the connivance of his master, and the secret encouragement of Crichton, ascended the rock with a few followers, and forcing an entrance by Wallace's tower, slew Robert Sempill the captain, and overpowering the garrison, made themselves masters of the place.<sup>1</sup> In the north, Sir William Ruthven sheriff of Perth, attempting, in the execution of his office, to conduct a culprit to the gallows, was attacked by John Gorm Stewart of Athole, at the head of a strong party of armed highlanders, who had determined to rescue their countryman from the vengeance of the law. Stewart had once before been

<sup>1</sup> Auchinleck Chronicle, p. 35. Wallace's tower was probably the tower in which Wallace was confined after his capture by Menteith.

serviceable to government, in employing the wild freebooters whom he commanded, to seize the traitor Graham, who, after the murder of James the First, had concealed himself in the fastnesses of Athole; but, under the capriciousness of a feudal government, the arm which one day assisted the execution of the law might the next be lifted up in defiance of its authority; and Stewart, no doubt, argued that his securing one traitor entitled him, when it suited his own convenience, to let loose another. Ruthven, however, a brave and determined baron, at the head of his vassals, resented this interference; and, after a sanguinary conflict upon the North Inch of Perth, both he and his fierce opponent were left dead upon the field.<sup>1</sup>

In the midst of these outrageous proceedings, the Earl of Douglas, in prosecution of his scheme for his marriage with the heiress of Galloway, entered into a coalition with Livingston, the king's governor. Livingston's grandson, Sir James Hamilton of Cadyow, had married Euphemia dowager-duchess of Touraine, the mother of Douglas's first wife; and it is by no means improbable that the friends of the Maiden of Galloway, who was to bring with her so noble a dowery, consented to her union with the Earl of Douglas, upon a promise of this great noble to unite his influence with the governor, and put down the arrogant domination of the chancellor. The events, at least, which immediately occurred, demonstrate some coalition of this sort. Douglas, arriving suddenly at Stirling castle with a modest train, instead of the army of followers by which he was commonly attended, besought and gained admittance into the royal presence, with the humble purpose, as he declared, of

<sup>1</sup> Auchinleck Chronicle, p. 35.

excusing himself from any concern in those scenes of violence which had been lately enacted at Perth and Dunbarton. The king, as was reported, not only received his apology with a gracious ear, but was so much prepossessed by his winning address, and his declarations of devoted loyalty, that he made him a member of his privy council, and appears soon after to have conferred upon him the office of lieutenant-general of the kingdom,<sup>1</sup> which had been enjoyed by the first Duke of Touraine. The consequence of this sudden elevation of Douglas, was the immediate flight of the chancellor Crichton to the castle of Edinburgh, where he began to strengthen the fortifications, to lay in provisions, and to recruit his garrison, as if he contemplated a regular siege. To imagine that this elevation of Douglas was accomplished by the king, a boy who had not yet completed his thirteenth year, would be ridiculous. It was evidently the work of the governor, who held an exclusive power over the king's person; and it indicated, for the moment, a coalition of parties, which might well make Crichton tremble.

In the meantime, Livingston, pleading his advanced age, transferred to his eldest son, Sir James, the weighty charge of the sovereign's person, and his government of Stirling castle; whilst Douglas, in the active exercise of his new office of lieutenant-general, which entitled him to summon in the king's name, and obtain delivery of any fortress in the kingdom, assembled a large military force. At the head of these troops, and attended by the members of the royal household and privy council, he proceeded to the castle

<sup>1</sup> Auchinleck Chronicle, p. 36. Lealey's History, p. 17. The appointment of Douglas to be lieutenant-general is not founded on certain historical evidence, but inferred from his subsequent conduct, and from his subsequent deprivation. *Postea*, p. 232.

of Barnton, in Mid-Lothian, the property of the chancellor Crichton, demanded its delivery in the king's behalf, and exhibited the order which entitled him to make the requisition. To this haughty demand, the governor of the fortress, Sir Andrew Crichton, sent at first a peremptory refusal; but, after a short interval, the preparations for a siege, and the display of the king's banner, overcame his resolution, and induced him to capitulate. Encouraged by this success, Douglas levelled the castle with the ground, and summoned the chancellor Crichton and his adherents to attend a parliament at Stirling, to answer before his peers upon a charge of high treason. The reply made to this by the proud baron was of a strictly feudal nature, and consisted in a *raid* or predatory expedition, in which the whole military vassals of the house of Crichton broke out with fire and sword upon the lands of the Earl of Douglas, and of his adherent, Sir John Forester of Corstorphine, and inflicted that sudden and summary vengeance, which gratified the feelings of their chief, and satisfied their own lust for plunder.<sup>1</sup> Whilst the chancellor thus let loose his vassals upon those who meditated his ruin, his estates were confiscated in the parliament which met at Stirling; his friends and adherents, who disdained or dreaded to appear and plead to the charges brought against them, were outlawed, and declared rebels to the king's authority; and he himself, shut up in the castle of Edinburgh, concentrated his powers of resistance, and pondered over the likeliest method of averting his total destruction.

Douglas, in the meantime, received, through the influence of the Livingstons, the reward to which he

<sup>1</sup> Auchinleck Chronicle, pp. 36, 37.

had ardently looked forward. A divorce was obtained from his first countess ; a dispensation arrived from Rome, permitting the marriage between himself and his cousin ; and although still a girl who had not completed her twelfth year, the Fair Maid of Gallo-way<sup>1</sup> was united to the earl, and the immense estates which had fallen asunder upon the execution of William, were once more concentrated in the person of the lieutenant-general of the kingdom. In this manner did Livingston, for the purpose of gratifying his ancient feud with the chancellor, lend his influence to the accumulation of a power, in the hands of an ambitious subject, which was incompatible with the welfare of the state or the safety of the sovereign.

But although the monarch was thus abandoned by those who ought to have defended his rights, and the happiness of the state sacrificed to the gratification of individual revenge, there were still a few honest and upright men to be found, who foresaw the danger, and interposed their authority to prevent it ; and of these the principal, equally distinguished by his talents, his integrity, and his high birth, was Kennedy bishop of St Andrews, a sister's son of James the First, and by this near connexion with the king, entitled to stand forward as his defender against the ambitious faction who maintained possession of his person. Kennedy's rank as head of the Scottish church invested him with an authority to which, amid the general corruption and licentiousness of the other officers in the state, the people looked with reverence and affection. His

<sup>1</sup> In the dispensation obtained afterwards for her marriage with her brother-in-law, it appears, that, at the time of her first marriage, she was "*infra nubiles annos*." Andrew Stewart's History, p. 444. The existence of a first countess of Earl William, is shown by the "Great Seal, vii. No. 214, under 13th Oct. 1472 ; and 248, under 22d January 1472-3."

mind, which was of the highest order of intellect, had been cultivated by a learned and excellent education, enlightened by foreign travel, and exalted by a spirit of unaffected piety. During a residence of four years at Rome, he had risen into esteem with the honester part of the Roman clergy; and, aware of the abuses which had been introduced, during the minority of the sovereign, into the government of the church—of the venality of the presentations—the dilapidation of the ecclesiastical lands—the appointment of the licentious dependants of the feudal barons who had usurped the supreme power—Kennedy, with a resolution which nothing could intimidate, devoted his attention to the reformation of the manners of the clergy, the dissemination of knowledge, and the detection of all abuses connected with the ecclesiastical government. Upon the disgrace of Crichton, this eminent person was advanced to the important office of chancellor, which he retained only for a brief period; and in his double capacity of primate and head of the law, there were few subjects which did not, in one way or other, come within the reach of his conscientious and inquiring spirit.

Upon even a superficial examination of the state of the country, it required little discernment to discover, that out of the union of the two parties of the Livingstons and the Douglasses, had already sprung an infinite multitude of grievances, which weighed heavily upon the people, and that, if not speedily counteracted, the further growth of this coalition might endanger the security of the crown, and threaten the life of the sovereign. The penetrating spirit of Kennedy soon detected an alarming confirmation of these suspicions in the assiduity evinced by Douglas, to draw within the coalition between himself and



Livingston, all the proudest and most powerful of the feudal families, as well as in the preference which he manifested for those to whom the severity of the government of James the First had already given cause of offence and dissatisfaction, and who, with the unforgiving spirit of feudal times, transferred to the person of his son the hatred with which they had regarded the father. Of this there was a striking example in a league or association which Douglas at this time entered into with Alexander, the second Earl of Crawford, who had married Mariot de Dunbar, the sister of that unfortunate Earl of March whom we have seen stripped of his ancient and extensive inheritance by James the First, under circumstances of such severity, and at best of such equivocal justice, as could never be forgotten by the remotest connexions of the sufferer.<sup>1</sup> When Kennedy observed such associations, indicating in Douglas a purpose of concentrating around him, not only the most powerful barons, but the most bitter enemies of the ruling dynasty, he at once threw the whole weight of his authority and experience into the scale of the late chancellor, and united cordially with Crichton in an endeavour to defeat such formidable purposes. But he was instantly awakened to the dangers of such a proceeding, by the ferocity with which his interference was resented. At the instigation of the lord-lieutenant, the Earl of Crawford, along with Alexander Ogilvy, Livingston governor of Stirling castle, Lord Hamilton, and Robert Reoch, a wild highland chief, assembled an overwhelming force, and, with every circumstance of savage and indiscriminate cruelty, laid waste the lands belonging to the bishop, both in Fife and Angus;

<sup>1</sup> Douglas's Peerage, vol. i. p. 376. *Supra*, vol. iii. p. 129.

leading captive his vassals, destroying his granges and villages with fire, and giving up to wide and indiscriminate havock, the only estates, perhaps, in the kingdom, which, under the quiet and and enlightened rule of this prelate, had been reduced under a system of agricultural improvement. Kennedy, in deep indignation, instantly summoned the Earl of Crawford to repair the ravages which had been committed; and finding that the proud baron disdained to obey, proceeded, with that religious pomp and solemnity which was fitted to inspire awe and terror even in the savage bosoms of his adversaries, to excommunicate the earl and his adherents, suspending them from the services and the sacraments of religion, and denouncing, against all who harboured or supported them, the extremest curses of the church.<sup>1</sup> It may give us some idea of the danger and the hopelessness of the task in which the Bishop of St Andrews now consented to labour, the reformation of the abuses of the government, when we remember that three of the principal parties engaged in these acts of spoliation, were the lieutenant-general of the kingdom, the governor of the royal person, and one of the most confidential members of the king's privy council.<sup>2</sup>

Douglas, in his character of king's lieutenant, now assembled the vassals of the crown, and laid siege to Edinburgh castle, which Crichton, who had anticipated his movements, was prepared to hold out against him to the last extremity. The investment of the fortress,

<sup>1</sup> Auchinleck Chronicle, p. 39. Robert Reoch, or Swarthy Robert, was the ancestor of the Robertsons of Strowan. He had apprehended the Earl of Athole, one of the murderers of James the First. He is sometimes styled Robert Duncanson. *Supra*, vol. iii. p. 149.

<sup>2</sup> MS. indenture in the possession of Mr Maule of Panmure, between the king's council, and daily about him, on one part, and Walter Ogilvy of Beaufort, on the other.

however, continued only for nine weeks; at the expiration of which period, the chancellor, who, since his coalition with the bishop of St Andrews and the house of Angus, was discovered by his adversaries to have a stronger party than they were at first willing to believe, surrendered the castle to the king, and entered into a treaty with Livingston and Douglas, by which he was not only ensured of indemnity, but restored to no inconsiderable portion of his former power and influence.<sup>1</sup> There can be little doubt that the reconciliation of this powerful statesman with the faction of Douglas, was neither cordial nor sincere: it was the result of fear and interest, the two great motives which influence the conduct of such men in such times; but from the friendship and support of so pure a character as Kennedy, a presumption arises in favour of the integrity of the late chancellor, when compared with the selfish ambition and lawless conduct of his opponents.

In the midst of these miserable scenes of war and commotion, the queen-mother, who, since her marriage with the Black Knight of Lorn, had gradually fallen into neglect and obscurity, died at the castle of Dunbar. Her fate might have afforded to any moralist a fine lesson upon the instability of human grandeur. A daughter of the noble and talented house of Somerset, she was courted by James the First, during his captivity, with romantic ardour, in the shades of Windsor, and in the bloom of beauty became the queen of this great monarch. After fourteen years of happiness and glory, she was doomed herself to witness the dreadful assassination of her royal consort; and having narrowly escaped the ferocity which would have involved her in

<sup>1</sup> Auchinleck Chronicle, p. 37.

a similar calamity, she enjoyed, after the capture of her husband's murderers, a brief interval of vengeance and of power. Since that period, the tumult of feudal war, and the struggles of aristocratic ambition, closed thickly around her; and losing her influence with the guardianship of the youthful monarch, the solitary tie which invested her with distinction, she sunk at once into the wife of a private baron, by whom she appears to have been early neglected, and at last utterly forsaken. The latest events in her history are involved in an uncertainty which itself pronounces a melancholy commentary on the depth of the neglect into which she had fallen; and we find her dying in the castle of Dunbar, then in the possession of a noted freebooter and outlaw, Patrick Hepburn of Hailes. Whether this baron had violently seized the queen, or whether she had willingly sought a retreat in the fortress, does not appear; but the castle, soon after her death, was delivered up to the king by Hepburn, who, as a partisan of the house of Douglas, was pardoned his excesses, and restored to favour.<sup>1</sup> It was a melancholy consequence of the insecurity of persons and of property in those dark times, that a widow became the mark, or the victim, of every daring adventurer, and, by repeated nuptials, was compelled to defend herself against the immediate attacks of licentiousness and ambition.

Upon the death of their mother the queen, the two

<sup>1</sup> Auchinleck Chronicle, p. 37. Douglas's Peerage, vol. i. p. 224. Hepburn was ancestor of the Earl of Bothwell, husband of Mary Queen of Scots. Three manuscript letters of James the Second are preserved at Durham, amongst a collection of original papers belonging to the monastery of Coldingham.—Raines' Hist. of North Durham, Appendix, p. 22. One of them, dated 28th April, 1446, mentions the "maist tressonable takyn of our castell of Dunbar, bernyng her schippis, slaughtyr, preassonyng, oppression of our peple, and destruction of our land, and mony other detestabill enormyties and offence done be Patrick of hepburn, sone till adam hepburn of hailes, Knycht."

princesses, her daughters, Jane and Eleanor, were sent to the court of France, on a visit to their sister the dauphiness; anxious, in all probability, to escape from a country which was at that moment divided by contending factions, and where their exalted rank only exposed them to more certain danger. On their arrival in France, however, they found the court plunged in distress by the death of the dauphiness, who seems to have become the victim of a conspiracy which, by circulating suspicions against her reputation, and estranging the affections of her husband, succeeded at last in bringing her to an early grave. There is strong evidence of her innocence in the deep sorrow for her death expressed by Charles the Seventh, and his anxiety that the dauphin should espouse her sister Jane, a marriage for which he in vain solicited a papal dispensation. Her husband, afterwards Lewis the Eleventh, was noted for his craft and his malignity; and there is little doubt, that even before the slanderous attack upon her character by Jamet de Tillay, the neglect and cruelty of the dauphin had nearly broken a heart of much susceptibility, enfeebled by an over-devotion to poetry and romance, and seeking a refuge from scenes of domestic suffering in the pleasures of literary composition, and the patronage of men of genius.<sup>1</sup>

In the meantime, amid a constant series of petty feuds and tumults, which, originating in private ambition, are undeserving the notice of the historian, one,

<sup>1</sup> Berry, *Hist. de Charles VII. Duclos III. 20. Paradin Alliances Genealogiques des Rois et Princes de Gaule*, p. 111. "Marguerite, fille de Jacques, Roy d'Escosse, premier de ce nom, fut premiere femme de ce Louis, lui estant encores dauphin, et décéda, n'ayant eu aucuns enfans, l'an 1445, à Chalons, en Champaigne, auquel lieu fut inhume son corps en la grande eglise la, ou demeura jusqu'au regne de Roy Louis, qui le feit lors apporter en l'Abbaie de Saint Laon de Thouars, en Poitou, ou il gît." See same work, p. 307.

from the magnitude of the scale on which it was acted, as well as from the illustrations which it affords us of the manners of the times, requires a more particular recital. The religious house of Arbroath had appointed Alexander Lindsay, eldest son of the Earl of Crawford, their chief justiciar, a man of ferocious habits, and of great ambition, who, from the length and bushiness of his beard, was afterwards commonly known by the appellation of "The Tiger, or Earl Beardy." The prudent monks, however, soon discovered that the Tiger was too expensive a protector, and having deposed him from his office, they conferred it upon Ogilvy of Innerquharity, an unpardonable offence in the eyes of the Master of Crawford, who instantly collected an army of his vassals, for the double purpose of inflicting vengeance upon the intruder, and repossessing himself of the dignity from which he had been ejected. There can be little doubt that the Ogilvies must have sunk under this threatened attack, but accident gave them a powerful ally in Sir Alexander Seton of Gordon, afterwards Earl of Huntley, who, as he returned from court, happened to lodge for the night at the castle of Ogilvy, at the moment when this baron was mustering his forces against the meditated assault of Crawford. Seton, although in no way personally interested in the quarrel, found himself, it is said, compelled to assist the Ogilvies, by a rude but ancient custom, which bound the guest to take common part with his host in all dangers which might occur so long as the food eaten under his roof remained in his stomach.<sup>1</sup> With the small train of attendants and friends who accompanied him, he joined the forces of Innerquharity, and proceeding to the town of Arbroath, found the opposite

<sup>1</sup> Lealey De Rebus Gestis Scotorum, p. 286. History of Scotland by the same author, p. 18.

party drawn up in great strength on the outside of the gates. The families thus opposed in mortal defiance to each other, could number amongst their adherents many of the bravest and most opulent gentlemen in the country ; and the two armies exhibited an imposing appearance of armed knights, barbed horses, and embroidered banners. As the combatants, however, approached each other, the Earl of Crawford, who had received information of the intended combat, being anxious to avert it, suddenly appeared on the field, and galloping up between the two lines was mortally wounded by a soldier, who was enraged at his interference and ignorant of his rank. The event naturally increased the bitterness of hostility, and the Crawfords, who were assisted by a large party of the vassals of Douglas, infuriated at the loss of their chief, attacked the Ogilvies with a desperation which soon broke their ranks, and reduced them to irreclaimable disorder. Such, however, was the gallantry of their resistance, that they were almost entirely cut to pieces ; and five hundred men, including many noble barons in Forfar and Angus, were left dead upon the field.<sup>1</sup> Seton himself had nearly paid with his life the penalty of his adherence to the rude usage of the times ; and John Forbes of Pitsligo, one of his followers, was slain : nor was the loss which the Ogilvies sustained in the field their worst misfortune ; for Lindsay, with his characteristic ferocity, and protected by the authority of Douglas, let loose his army upon their estates ; and the flames of their castles, the slaughter of their vassals, the plunder of their property, and the captivity of their wives and children, instructed the remotest adherents of the Justiciar of Arbroath, how terrible

<sup>1</sup> Auchinleck Chronicle, p. 38.

was the vengeance which they had provoked. What must have been the state of the government, and how miserable the consequences of those feudal manners and customs, which have been admired by superficial inquirers, where the pacific attempt of a few monks to exercise their undoubted privilege in choosing their own protector, could involve a whole province in bloodshed, and kindle the flames of civil war in the heart of the country ! It does honour to the administration of Kennedy, that, although distracted by such domestic feuds, he found leisure to attend to the foreign commercial relations of the state, and that a violent dissension which had broken out betwixt the Scots and the Bremeners, who had seized a ship freighted from Edinburgh, and threatened further hostilities, was amicably adjusted by envoys despatched for the purpose to Flanders.<sup>1</sup>

The consequences of the death of the Earl of Crawford require particular attention. That ambitious noble had been one of the firmest allies of Douglas ; and the lieutenant-general, well aware that superior power was the sole support of an authority which he had very grossly abused, immediately entered into a league with the new Earl of Crawford, and Alexander earl of Ross and lord of the Isles, in whose mind the imprisonment and degrading penance inflicted upon him by James the First had awakened desires of revenge, the deeper only from their being long repressed. The alliance between these three nobles was on the face of it an act of treason, as it bore to be a league offensive and defensive against all men, not excepting the sovereign ; and it was well known that Crawford, from his near connexion with the forfeited house of

<sup>1</sup> See Illustrations, L.



March, inherited a hatred of the royal family, which, increased by his native ferocity, had at last grown up into a determined resolution to destroy the race. The coalition seems to have acquired additional strength, during the succeeding year, by the accession of the Livingstons; so that, with the exception of Crichton and Kennedy, there was scarcely to be found a baron of consequence who was not compelled to support the governor in his attempt to sink the authority of the sovereign, and concentrate in his own person the undivided administration of the state.

Against his success in this treasonable project, Douglas soon found that his most formidable opponent was the young king himself, who had reached the age of seventeen years; and although under the disadvantage of a confined education, began to evince a sagacity of judgment, and a vigour of character, which gave the fairest promise of excellence. Cautiously abstaining from offering any open disgust to the governor, he attached silently to his service the upright and able Kennedy, and the experienced Crichton, who appears about this time to have been raised to the dignity of a lord in parliament, and soon after reinstated in the important office of chancellor. Aware, even at this early age, of the intellectual superiority of the clergy, he exerted himself to secure the services of the most distinguished of this order; by friendly negotiations with England, he secured the favourable dispositions of Henry the Sixth; and with the courts of France and of Rome he appears to have been on terms of the utmost confidence and amity. To ascribe the whole merit of these wise and politic measures to the young monarch, would be absurd; but allowing that they originated with the party of Crichton and of Kennedy, with whom he had connected himself, the praise of the

selection of such advisers, and the confidence with which they were treated, belongs to James.

This confidence was soon after evinced upon an important occasion, when the king granted a commission to the chancellor Crichton, his secretary Railston bishop of Dunkeld, and Nicholas de Otterburn official of Lothian, to repair to France for the purpose of renewing the league which for many centuries had subsisted between the two countries, and with a commission to choose him a bride amongst the princesses of that royal court. The first part of their duty was soon after happily accomplished ; but as the family of the King of France afforded at that moment no suitable match for their young sovereign, the Scottish ambassadors, by the advice of Charles the Seventh, proceeded to the court of the Duke of Gueldres, and made their proposals to Mary, the only daughter and heiress of this wealthy potentate, and nearly related to the French king. In the succeeding year, accordingly, the princess was solemnly affianced as the intended consort of the King of Scotland.<sup>1</sup>

In the midst of these measures, James was careful to afford no open cause of suspicion or disgust to the faction of the Livingstons, or to the still more powerful party of the Douglasses and Crawfords. His policy was to disunite them in the first instance, and afterwards to destroy them in detail ; and, in furtherance of this project, he appears to have called home from the continent Sir James Stewart, the husband of his late mother the queen-dowager, and Robert Fleming, the son of Sir Malcolm Fleming, who, by the command or with the connivance of the Livingstons, had been executed in Edinburgh castle along with the Earl of

<sup>1</sup> MS. *Traitez entre les Rois de France et les Rois d'Escoce*. Advocates' Library, Edinburgh.

Douglas and his brother. All this, to a deep observer, must have indicated a preparation for the fall of the Livingstons; but as the king was careful to retain them in his service, and to use their assistance in his negotiations, they appear to have been deceived into a false security, and to have neglected all means of defence, and all opportunity of escape, till it was too late. Douglas, however, was not so easily seduced; but suspecting the designs of the monarch, which were quietly maturing amid the peace and tranquillity with which he was surrounded, determined to divide his strength and defeat his purposes, by involving him in a war with England. Nor was this a matter of much difficulty, as the truce which subsisted between the two countries was on the point of expiring, and the borderers had already commenced their hostilities. Three parties at present divided England: that of the good Duke of Gloucester, who seems to have been animated by a sincere love for his sovereign, Henry the Sixth, and an enlightened desire to promote the prosperity of the nation by the maintenance of pacific relations with Scotland; that of the queen and the Duke of Suffolk, the determined enemies of Gloucester, and solicitous only for the concentration of the whole power of the state into their own hands; and lastly, that of Richard duke of York, who, having already formed a design upon the crown, made it his chief business to widen the breach between the two factions of Gloucester and the queen, and to prepare the way for his own advancement, by increasing the miseries which the nation suffered under the domination of the house of Lancaster. To this able and ambitious prince, the decay of the English power in France, and the resumption of hostilities upon the borders, were subjects rather of congratulation than

of regret: and when both countries contained two powerful nobles, Douglas and the Duke of York, equally solicitous for war, it is only matter of surprise that hostilities should not have broken out at a more early period.

On their occurrence, the aggression seems to have first proceeded from the English, who, under the command of the Earls of Northumberland and Salisbury, wardens of the east and west marches, broke violently, and in two divisions of great force, into Scotland, and left the towns of Dunbar and Dumfries in flames. This, according to the usual course of border warfare, led to an immediate invasion of Cumberland by James Douglas of Balveny, brother of the Earl of Douglas, in which Alnwick was burnt and plundered, and the whole of that province cruelly wasted and depopulated; whilst, as the spirit of revenge and the passionate desire of retaliation spread over a wider surface, the whole armed population of the country flowed in at the call of the wardens, and a force of six thousand English, under the command of the younger Percy, along with Sir John Harrington and Sir John Pennington, crossed the Solway, and encamped upon the banks of the river Sark, where they were soon after defeated by the Scots, under the command of Hugh earl of Ormond, another brother of the Earl of Douglas. Along with Ormond were Sir John Wallace of Craigie, the sheriff of Ayr, the Laird of Johnston, and the Master of Somerville, who commanded a force considerably inferior to that which they encountered, being about four thousand strong. They succeeded, however, in dispersing the English, of whom fifteen hundred men were left dead upon the field, five hundred drowned in the Solway, and the leaders, Percy, Harrington, and Pennington, taken

prisoners; by whose ransom, as well as the plunder of the English camp, the Scottish leaders were much enriched.<sup>1</sup> The Scots lost only twenty-six soldiers; but Wallace of Craigie, a leader of great courage and experience, whose conduct had mainly contributed to the victory, soon after died of his wounds.

It would appear, however, that both countries were willing to consider this infringement of the peace rather as an insulated and accidental disturbance of the borders, than a fixed determination to renew the war. It led to no more serious hostilities; and whilst, in England, the loss of the French dominions, the rebellion of Ireland, and the intrigues of the Yorkists, spread dissatisfaction and alarm throughout the country, the King of Scotland, whose character seemed gradually to gain in intelligence and vigour, looked anxiously forward to the arrival of his intended consort, and summoned his parliament to meet at Stirling on the 4th of April, 1449. Unfortunately, with a single and unimportant exception, no record of the transactions of this meeting of the estates has reached our times.<sup>2</sup> We know, however, that the practice of appointing a committee of parliament, composed of the representatives of the bishops, the barons, and the commissaries of the burghs, was continued; and it may be conjectured that their remaining deliberations principally regarded the approaching marriage of the king. Preparations for this joyful event now engrossed the court, and it was determined that the ceremony should be conducted with much magnificence and solemnity.

<sup>1</sup> Auchinleck Chronicle, p. 40. The version of this battle, which Pinkerton, in the silence of English and Scottish historians, has extracted from the French writers, Chartier and Monstrelet, is fabulous.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 60.

On the 18th of June, the fleet which bore the bride anchored in the Forth. It consisted of thirteen large vessels, and had on board a brilliant freight of French and Burgundian chivalry. The Archduke of Austria, the Duke of Brittany,<sup>1</sup> and the Lord of Campvere, all brothers-in-law to the King of Scotland, along with the Dukes of Savoy and of Burgundy, with a suite of knights and barons, accompanied the princess and her ladies; whilst a body-guard of three hundred men-at-arms, clothed, both man and horse, in complete steel, attended her from the shore to the palace of Holyrood, where she was received by her youthful consort.<sup>2</sup> The princess, a lady of great beauty, and, as it afterwards proved, of masculine talent and understanding, rode, according to the manners of the times, behind the Lord Campvere, encircled by the nobles of France, Burgundy, and Scotland, and welcomed by the acclamations of an immense concourse of spectators. The portion of the bride amounted to sixty thousand crowns, which was stipulated to be paid within two years by the maternal uncle of the princess, Philip the Good, duke of Burgundy, one of the wealthiest and most powerful princes in Europe, who now attended her to Scotland. James, on the other hand, settled upon the queen, in the event of his previous decease, a dowery of ten thousand crowns, which was secured upon lands in Strathern, Athole, Methven, and Linlithgow; and he bound himself, in the event

<sup>1</sup> Paradin *Alliances Genealogiques de Rois de France*, p. 571. Francis the First, seventh Duke of Brittany, "fort bon et loyal François, et l'un des fléaux des Anglois, mesmes au recouvrement de Normandie." He died in 1450. He married Isabella, daughter of James the First, sister of James the Second of Scotland, sister to the Dauphiness of France. They had two daughters: Margaret, married to Francis the tenth Duke of Brittany; and Mary, married to the Viscount of Rohan.

<sup>2</sup> Auchinleck Chronicle, p. 41.

of a male heir being born to the Duke of Gueldres, to renounce all claims to which his marriage with the princess might otherwise have entitled him. At the same period, in consideration of the amicable and advantageous commercial intercourse which, from remote ages, had been maintained between the Scottish merchants and the people of Brabant, Flanders, Holland, Zealand, and other territories, all of which were now subject to the Duke of Burgundy, a treaty of perpetual friendship and alliance was concluded between these united states and the kingdom of Scotland, in which their respective sovereigns engaged to compel all aggressors upon their mutual subjects, whether the attack and spoliation was conducted by land or sea, to make the amplest satisfaction and restitution to the injured parties.<sup>1</sup> From the moment of the arrival of the Princess of Gueldres till the solemnization of her marriage and coronation, the time was occupied by feasting, masks, revelry, and tournaments; amongst which last amusements there occurred a noted combat at outrance, in which three Burgundian champions, famous amongst their contemporaries for an unrivalled skill in their weapons, challenged the bravest of the Scottish knights to an encounter with the lance, battle-axe, sword and dagger. The challenge of the foreign knights, two of whom belonged to the ancient and noble family of Lalain, whilst the third was the *Sieur de Meriadet* lord of Longueville, was accepted by James Douglas, brother of the earl, another baron of the same name, brother of Douglas of Lochleven, and Sir John Ross of Halket. The lists were erected at Stirling, where the combatants having entered, splendidly apparelled, first proceeded to arm them-

<sup>1</sup> MS. Bib. Harl. 4637, vol. iii. p. 183.

selves in their pavilions. They were then knighted by the king; and, at the sound of the trumpet, engaged in a desperate encounter, in which spears were soon shattered and cast aside to make way for the close combat. At length, one of the Douglasses being felled to the ground by the stroke of a battle-axe, the monarch, anxious to avoid the farther effusion of blood, or to stain his nuptial entertainment by the death of such brave knights, threw down his gauntlet, and terminated the contest.<sup>1</sup> It may give us some idea of the immense power possessed at this period by the Earl of Douglas, when we mention, that on this chivalrous occasion, the military suite by which he was surrounded, and at the head of which he conducted the Scottish champions to the lists, consisted of a force amounting to five thousand men.

Soon after this the royal marriage was solemnized in the abbey of Holyrood, and the king, guided by the advice and experience of Crichton and Kennedy, resumed his designs for the vindication of his own authority, and the destruction of those unprincipled barons who had risen, during his minority, upon its ruins. Against Douglas, however, on account of his exorbitant power, it was as yet impossible to proceed, although an example of his insolent cruelty occurred about this time, in the murder of Colvil of Oxenham and a considerable body of his retainers,<sup>1</sup> which deeply incensed the young monarch. Dissembling his resentment till a more favourable opportunity, the king directed his whole strength against the faction of the Livingstons; and having received secret information of a great convocation which they were to hold at the

<sup>1</sup> Auchinleck Chronicle, p. 40. De Coucy, p. 567. His memoirs are published at the end of the History of Jean Chartier.

<sup>2</sup> Auchinleck Chronicle, p. 41.



bridge of Inchbelly, which passes over the Kelvin near Kirkintilloch, he was fortunate enough to surround them by the royal forces, and arrest the leading men of the family, before they could adopt any measures either for resistance or escape. James Livingston, eldest son of the aged and noted Sir Alexander Livingston of Callendar, Robyn of Callendar captain of Dunbarton, David Livingston of Greenyards, John Livingston captain of Doune castle, Robert Livingston of Lithgow, and, not long after, Sir Alexander himself, were seized and thrown into prison; while such expedition was used, that within forty days not only their whole property was put under arrest, but every officer who acted under their authority was expelled violently from his situation, and every castle or fortalice which was held by themselves or their vassals, seized and occupied by the sovereign.<sup>1</sup> The manner in which this bold and sweeping measure was carried into execution, is involved in an obscurity very similar to that which, in a former reign, attended the arrest of the family and faction of Albany by James the First. In both instances the great outlines of the transaction alone remain, and all the minute but not less important causes which led to the weakening the resistance of the victims of royal vengeance, to the strengthening the hands of the executive, and to the surprise and discomfiture of a formidable faction, which had for twelve years controlled and set at defiance the utmost energies of the government, are lost in the silence of contemporary history and the destruction of original records. All that is certainly known, seems to indicate an extraordinary increase in the resources, courage, and ability of the king, and a proportionable

<sup>1</sup> Auchinleck Chronicle, p. 42.

diminution in the strength, or a remarkable indifference and lukewarmness in the zeal, of the great families by whom he had been so long retained in a state of ignominious durance.

Immediately after this unexpected display of his power, which excited great astonishment in the country, the king despatched the Bishop of Brechin and the Abbot of Melrose, his treasurer and confessor, along with the Lords Montgomery and Gray, as his ambassadors, for the purpose of concluding a truce with England;<sup>1</sup> and a meeting having taken place with the commissioners of the English monarch in the cathedral church at Durham, on the 25th of November, a cessation of hostilities for an indefinite period was agreed on, in which the most ample provisions were included for the encouragement of the commerce of both kingdoms, and which, upon six months' previous warning being given, might be lawfully infringed by the English or the Scottish monarch. A confirmation of the treaty with France, and a ratification of the league with the Duke of Brittany, immediately succeeded to the negotiations in England;<sup>2</sup> and James, having thus wisely secured himself against any disturbance from abroad, summoned his parliament to meet at Edinburgh on the 19th of January, and proceeded with a determined purpose and exemplary severity, to enforce the judgment of the law against the manifold offences of the house of Livingston.

Their principal crime, in itself an act of open treason, had been the violent attack upon the queen, and the imprisonment of her person, on the 3d of August, 1439; and with a manifest reference to this subject, it was declared, "That if any man should assist, coun-

<sup>1</sup> Rymer, vol. xi. p. 242.

<sup>2</sup> Mag. Sig. iv. fol. 1.

sel, or maintain those that are arraigned by the sovereign in the present parliament, on account of crimes committed against the king or his late dearest mother, they should be liable to the punishment inflicted on the principal offenders." Sir Alexander Livingston of Callendar, the head of the family, and now an aged man, James Dundas of Dundas, his cousin-german, and Robert Bruce, brother to Bruce of Clackmannan, were forfeited and imprisoned in Dunbarton castle. The vengeance of the law next fell upon Alexander Livingston, a younger son of the Lord of Callendar, along with Robert Livingston, comptroller, who were hanged and afterwards beheaded on the Castlehill at Edinburgh; upon which Archibald Dundas, whose brother had been shut up in Dunbarton, threw himself into the castle of Dundas, which was at that time strongly garrisoned and full of provisions, declaring that he would die upon the walls, or extort from the king a free pardon to himself and his adherents. Why the father, the eldest son James, and James Dundas, who were all of them personally engaged in the atrocious attack on the queen,<sup>1</sup> were permitted to escape with imprisonment, whilst a mortal punishment was reserved for apparently inferior delinquents, it is difficult to discover.<sup>2</sup>

<sup>1</sup> Mag. Sig. iv. 4. Charter by James II. to Alexander Naper, "Compotorum suorum Rotulatori, pro suo fideli servicio quondam carissimo Matri Regine impenso et in remuneracionem et recompensationem lesionis sui corporis, ac gravaminum et dampnorum sibi illatorum tempore proditorie tradicionis et incarcerationis dicte Regine, per Alex. de Levingston, militem, et Jac. de Levingston, filium suum, ac suos complices, nequiter perpetrati." See also a royal charter to the Earl of Douglas of half of the lands of Dundas, and Echling of Dumany and Queensferry, forfeited by James of Dundas: "propter proditoriam tradicionem in personam regiam per eundem Jac. commissam."

<sup>2</sup> Pinkerton, vol. i. p. 203, misled by Boece and Lindsay, has committed an error in placing the destruction of the Livingstons in 1446, and ascribing it to the Earl of Douglas.

Another obscurity occurs in the passive manner in which the Earl of Douglas appears to have regarded the downfall of those with whom he had been long connected by the strictest ties of mutual support and successful ambition. There can be little doubt that the king, who had now surrounded himself by some of the ablest men in the country, whom he chiefly selected from the ranks of the clergy, was well aware of the treasonable league between Douglas, Ross, and Crawford, and already meditated the destruction of this haughty potentate, whose power was incompatible with the security of the government; and it is extraordinary that the example of the sudden destruction of his companions in intrigue and insubordination, should not have alarmed the earl for his own safety. The most probable account seems to be, that, aware of the increasing strength of the party of the sovereign, he found it expedient to act as an ally rather than an enemy, and in good time to desert, and even to share in the spoils of those whom he considered it desperate to defend. It is certain, at least, that immediately subsequent to the forfeiture of the Livingstons, Douglas repeatedly experienced the favour and generosity of the sovereign. When Dundas castle, after a resolute defence of three months, surrendered to the royal army, the wealth of the garrison, the cannon, provisions, and military stores, were divided between the king, the Earl of Douglas, and Sir William and Sir George Crichton. On the forfeiture of Dundas's lands, a great part of his estate was settled on Douglas; his lordship of Galloway was erected into a special regality, with the power of holding justice and chamberlain ayres, to be held blanch of the sovereign: he obtained also the lands of Blairmaks in Lanarkshire, forfeited by James of Dundas, and of Coulter and

Ogleface, which had been the property of the Livingstons.<sup>1</sup>

In the same parliament which inflicted so signal a vengeance upon this powerful family, the condition of the country, and the remedy of those abuses which had grown up during the minority of the monarch, engaged the attention of the legislature ; and to some of the resolutions which were passed, as they throw a strong light on the times, it will be necessary to direct our attention. After the usual declaration of the intention of the sovereign to maintain the freedom of "Haly Kirk," and to employ the arm of the civil power to carry the ecclesiastical sentence into execution against any persons who had fallen under the censures of the church, the parliament provided, that general peace should be proclaimed and maintained throughout the realm, and that all persons were to be permitted to travel in security for mercantile or other purposes, in every part of the country, without the necessity of "having assurance one of the other." The "king's peace," it was observed, was henceforth to be "sufficient surety to every man;" as the sovereign was resolved to employ such officers alone as could well punish all disturbers of the public peace. In the event of any person being, notwithstanding this enactment, in mortal fear of another, a daily and hourly occurrence in these times of feudal riot and disorder, he was commanded to go to the sheriff, or nearest magistrate, and swear that he dreads him ; after which the officer was to take pledges for the keeping of the peace, according to the ancient statutes upon this subject. Those who filled the office of judges were to be just men, who understood the law, and whose character

<sup>1</sup> Mag. Sig. iv. Nos. 109, 110. Ibid. No. 59.

should be a warrant for an equal administration of justice to the small as well as to the "great. It was appointed that the justice should make his progress through the country twice in the year, according to the old law.<sup>1</sup>

The attention of the parliament appears to have been next directed to that grave subject, of which the recent history of the country had afforded so many illustrations, rebellion against the king's person and authority, upon which it was first provided, that the crime should be punished according to the judgment of the three estates, who were to take into consideration "the quality and the quantity of the rebellion." In the next place, when any man openly and "*notourly*" raised rebellion against the sovereign, or made war upon the lieges, or gave encouragement or protection to those guilty of such offences, the parliament declared it to be the duty of the sovereign, with assistance of the whole strength of the country, to proceed in person against the offender, and inflict upon him speedy punishment; whilst all persons who in any way afforded countenance to those convicted of rebellion, were to be punished with the same severity as the principal delinquents.

The next enactment of this parliament constituted an important era in the history of the liberty of the subject; and I think it best to give it in its ancient simplicity:—"It is declared to be ordained for the safety and favour of the *poor people who labour the ground*, that they, and all others who have taken or shall take lands in any time to come from lords, according to a lease which is to run for a certain term of years, shall remain on the lands protected by their lease till the expiry of the same, paying all along the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 35.

same yearly rent, and this notwithstanding the lands should pass by sale, or by alienation, into different hands from those by whom they were first given in lease to the tenant." Under the reign of James the First, we have already pointed out the request made by that monarch to the great feudal lords, that they would not summarily remove their tenantry from their lands possessed on lease: this was clearly the earliest step towards the attainment of the important privilege contained in the above statute; a wise and memorable act in its future consequences on the security of property, the liberty of the great body of the people, and the improvement of the country.<sup>1</sup>

For the prevention of those invasions of property, which were at this period so frequent throughout the country, the sheriff was peremptorily enjoined to make immediate inquiry, and compel the offenders to instant restoration; an act easily engrossed in the statute-book, but almost impossible to be carried into execution so long as the sheriff himself was under the fear and authority of one or other of the great feudal lords, or might perhaps be himself a principal offender. We find it accordingly provided, that these officers, along with the justices, chamberlains, coroners, and other magistrates, shall be prevented from collecting around them, in their progresses through the country, those numerous trains of attendants, which grievously oppressed the people, and that they should content themselves with that moderate number of followers, appointed by the ancient laws upon this subject.

The statute which immediately followed, from the strength and simplicity of its language, gives us a singular and primitive picture of the times. It related

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 35, 36.

to that description of persons, who, disdaining all regular labour, have ever been, in the eyes of the civil magistrate, a perverse and hateful generation, "sornars, outlyars, masterful beggars, fools, bards, and runners about." For the putting away of all such vexatious and rude persons, who travelled through the country with their horses, hounds, and other property, all sheriffs, barons, aldermen, and bailies, either without or within burgh, were directed to make inquiry into this matter at every court which they held; and in the event of any such individuals being discovered, their horses, hounds, and other property, were to be immediately confiscated to the crown, and they themselves put in prison till such time as the king "had his will of them." And it was also commanded by the parliament, that the same officers, when they held their courts, should make inquiry whether there be any persons that followed the profession of "fools," or such like runners about, who did not belong to the class of bards; and such being discovered, they were to be put in prison or in irons for such trespass, as long as they had any goods or substance of their own to live upon. If they had nothing to live upon, it was directed that "their ears be nailed to the Tron, or to any other tree, and then cut off, and they themselves banished the country, to which, if they returned again, they were upon their first apprehension to be hanged."<sup>1</sup>

For the examination of the acts of parliament, and of general councils, which had been assembled in the time of the present king and of his late father, the three estates appointed a committee of twelve persons, four chosen from the bishops, four from the lords, and four from the commissaries of burghs. To this body

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 36.



was committed the task of selecting all such acts as they esteemed wise, and calculated to promote the present advantage of the realm, which were to be revised and presented for approval at the next parliament to be assembled at Perth. For the prevention of that grievous calamity, a dearth of provisions in the land, the sheriffs, bailies, and all other officers, both without and within the burghs, were strictly enjoined to discover, arrest, and punish all such persons within their own jurisdiction, who were in the practice of buying victual or corn, and hoarding it up till the occurrence of a dearth ; whilst the provisions which they had thus hoarded were directed to be escheated to the king. In addition to these enactments, whilst free permission was granted to all the subjects of the realm to buy and sell victual at their pleasure, either on the north half or south half of the Firth of Forth, yet the keeping old stacks of corn in the farm-yard later than Christmas was strictly prohibited ; and it was enjoined in equally positive terms, that neither burgesses nor other persons who bought victual for the purpose of selling again, should be allowed to lay up a great store of corn, and keep it out of the market till the ripening of the next harvest ; but that, at this late season of the year, they were only to have so much grain in their possession as was requisite for the support of themselves and their families.<sup>1</sup>

The succeeding statute, upon the punishment of treason, was directed against the repetition of the practices of Livingston, Douglas, and Crichton, which disgraced the minority of this sovereign. It provided that, in the event of any person committing treason against the king's majesty, by rising against him in

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 36.

open war, or laying violent hands upon his person ; by giving countenance to those convicted of treason ; supplying with military stores and armed men the castles of convicted traitors ; holding out such castles against the king's forces, or assailing any fortress in which the king's person might happen to be at the time, he should be immediately arrested, and openly punished as a traitor. When those who had been guilty of theft or robbery were men of such power and authority that the justiciar was not in safety to hold his court, or to put down, by the arm of the law, such "great and masterful theft," he was instantly to communicate with the king, who, with the assistance of his privy council, should provide a remedy ; and, in order that such bold and daring offenders be not placed upon their guard as to the legal processes in preparation against them, the justice-clerk was commanded not to reveal his action to any person whatever, or alter it in any way from the form in which it was given him, except for the king's advantage, or change any names, or put out any of the rolls without orders from the king or his council, and this under the penalty of the loss of his office and estate, at the will of the sovereign.<sup>1</sup> How lamentable a picture does it present of the condition of the country when such expressions could be employed ; where an acknowledged infringement of the law was permitted, "if it be for the king's advantage ;" and in which the right of the subject to be informed of the offence of which he was accused, previous to his trial, appears to be thus unceremoniously sacrificed !

Upon the important subject of the money of the realm, reference was made, in this parliament, to a former act, now unfortunately lost, by which twenty-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 37.

four persons were chosen from the three estates to appoint proper regulations as to the importation of bullion by the merchants, the new coinage and its issue, and the circulation of the money then current. Strict search was directed to be made at all seaports, and upon the borders and marches, for the apprehension of those carrying money out of the kingdom; and all false strikers of gold and silver, all forgers of false groats and pennies, were to be seized wherever found, and brought to the king, to be punished as the law directed. In the same parliament, the monarch, with that affectionate respect for the clergy, which could not fail to be experienced by a prince who had successfully employed their support and advice to escape from the tyranny of his nobles, granted to them some important privileges. In a charter, dated on the 24th January, 1449, he declared that, "for the salvation of his own soul, and that of Queen Mary his consort, with consent of his three estates, and in terms of a schedule then presented to him, he conferred upon all bishops of cathedral churches in Scotland, the privilege of making their testaments, of levying the fruits of vacant sees, and converting them to their use, the vicars-general of the cathedrals rendering a true account of the same."<sup>1</sup>

At the time the king held this parliament, he appears to have entertained the most amicable disposition towards England, wisely considering that it would require a long interval of peace to reform the condition of his own kingdom, and to rectify the abuses to which he was now beginning to direct his undivided attention. He was well aware that the English government, entirely occupied in a vain effort to retain the provinces

<sup>1</sup> Mag. Sig. iv. 5. Jan. 24, 1449.

which had been conquered in France, and weakened by the selfish administration of the queen and her favourite, Suffolk, could have little disposition to engage in a war with Scotland; and he considered the protest of that government, upon the old and exploded claim of homage, as a piece of diplomatic etiquette, which it would be absurd to make a serious ground of offence. He accordingly despatched John Methven, a doctor of decretals, as his ambassador to the court of England: he appointed the Bishops of Dunkeld and Brechin, with the Earls of Douglas, Angus, and Crawford, to meet the commissioners of Henry the Sixth, for the regulation of the truces and settlement of the marches: whilst he encouraged, by every method in his power, the friendly intercourse between the two countries.<sup>1</sup>

At the same time, without absolutely attempting to deprive the Earl of Douglas of his high office of lieutenant-general of the kingdom, a measure which must have excited extreme commotion, he silently withdrew from him his countenance and employment, surrounding himself by the most energetic councillors, whom he promoted to the chief offices in the state, rewarding the chancellor Crichton "for his faithful services rendered to the king's father, and to the king himself;" and weakening the power of the earl and his party, rather by the formidable counterpoise which he raised against it, than by any act of determined hostility.<sup>2</sup> The consequences of this line of policy were highly favourable to the king. The power and unjust usurpation of Douglas over the measures of government, decreased almost imperceptibly, yet by sure degrees, as the character of the sovereign increased in firmness, and the authority of the ministers by whom he man-

<sup>1</sup> Rotuli Scotie, vol. ii. p. 342.

<sup>2</sup> Mag. Sig. iv. 34. June 12, 1450.

aged the government became more steadily exerted: the terror with which the people had regarded the tyrannic sway of this imperious noble, began to be dispelled; and the despot himself, aware that his dominion was on the wane, and conscious that any open insurrection would be premature, determined to leave the country for a season, and repair to Rome on a visit to the pope, making some stay, in his way thither, at the courts of England and France. His train consisted of six knights, with their own suites and attendants, and fourteen gentlemen of the best families in the country, with their servants, accompanied by a body of eighty horse, or men-at-arms.<sup>1</sup>

Although the only motives assigned for this expedition were those arising out of religion and the love of travel, it seems by no means improbable that Douglas had other objects in view. In right of his wife, he possessed a claim to the wealthy duchy of Touraine; which, although then a male fief, might be altered to heirs-general by the King of France, at the request of so potent a baron. In England, also, he could not possibly be ignorant of the intrigues of the Yorkists against the government of Henry the Sixth; and he may have had hopes of strengthening his own power, or diminishing that of his sovereign, by an alliance with a faction whose views were expressly opposed to the pacific policy of the present government of Scotland. In addition to this, although absent in person, and with the apparent intention of remaining some years abroad, he left powerful friends at home, whose motions he directed, and by whose assistance he entertained the hope of once more possessing himself of the supreme power in the state. Upon James Douglas, his brother,

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 343.

Lord of Balveny, he conferred the office of procurator or administrator of his estates during his absence; and there seems a strong presumption, that he secretly renewed that treasonable correspondence with the Earls of Ross and Crawford, which has been already mentioned as embracing an offensive and defensive alliance against all men, not excepting the person of the sovereign.

In the meantime, he and his numerous suite set sail for Flanders, from which they proceeded to Paris. He was here joined by his brother, James Douglas, at this time a scholar at the university, and intending to enter the church, but afterwards Earl of Douglas.<sup>1</sup> From the court of France, where he was received with distinction, Douglas proceeded to that of the supreme pontiff, during the brilliant season of the jubilee, where his visit appears to have astonished the polite and learned Italians, as much by its foreign novelty as by its barbaric pomp. His return, however, was hastened by disturbances at home, arising out of the insolence and tyranny of his brother, Douglas of Balveny, to whom he had delegated his authority, and against the abuses of whose government such perpetual complaints were carried to the king, that, according to the provisions of the late act of parliament upon the subject, he found it necessary to conduct in person an armed expedition into the lands of the delinquent. The object of this enterprise was to expel from their strongholds that congregation of powerful barons who were retained in the service of this feudal prince, and under the terror of his name invaded the property of the people, and defied the control of the laws. James, however, did not betake himself to this measure, until he had in

<sup>1</sup> Buchanan, book xi. chap. xxxii. Lesley, p. 22

vain attempted to appease the disturbances, and inflict punishment upon the offenders by the arm of the civil power; but having been driven to this last necessity, he made himself master of Lochmaben castle, exterminated from their feudal nests the armed retainers, who were compelled to restore their plunder, and razed to the ground this ancient "strength," which had long been the centre of insubordination. He then returned to court, and, under the idea that they had suffered a sufficient imprisonment, restored to liberty Sir Alexander Livingston and Dundas of Dundas, who had been confined in Dunbarton castle since the memorable forfeiture of the Livingstons in the preceding year. Dundas appears immediately to have repaired to Rome,<sup>1</sup> with the design, in all probability, of secretly communicating with Douglas, whilst that formidable potentate, dreading the full concentration of the regal vengeance, which had already partially burst upon him, set out forthwith on his return to Scotland.

In the meantime, his friends and confederates were not idle at home. In 1445, a secret league, as we have already seen, had been entered into between Douglas and the Earls of Ross and Crawford, and the confederacy now resorted to hostile measures. Ross, who died in 1449, had transmitted to his eldest son, John, his treason along with his title; and the new earl, who was connected by marriage with the Livingstons, broke out into rebellion, and seized the royal castles of Inverness, Urquhart, and Ruthven in Badenoch. This last place he immediately demolished; Urquhart was committed to Sir James Livingston, who, on the first news of Ross's rebellion, had escaped from the king's court to the Highlands; whilst Inverness castle was supplied

<sup>1</sup> Rotuli Sootie, vol. ii. p. 344.

with military stores, and strongly garrisoned.<sup>1</sup> Although a rebellion which threatened to involve the whole of the northern part of Scotland in war and tumult, must have been known, and was probably instigated by Douglas, it appears that the king, from his ignorance of the earl's confederacy with Ross and Crawford, did not suspect his connivance. Douglas's absence from Scotland, and the secrecy with which the treasonable correspondence had been conducted, for a while blinded the eyes of the monarch; and on his return from Rome, having expressed his indignation at the excesses committed by his vassals during his absence, and his resolution to employ his power on the side of the laws, he was again received into favour, and appointed, along with the Bishops of Dunkeld and Brechin, and the Earls of Angus and Crawford, a commissioner to treat of the prolongation of the truce with England.<sup>2</sup>

The earl, however, showed himself little worthy of this renewed confidence upon the part of the king. He put his seal, indeed, into the hands of the other commissioners, for the purpose of giving a sanction to the articles of truce, but he remained himself in Scotland; and although the evidence is not of that direct nature which makes his guilt unquestionable, there seems a strong presumption, that, in concert with the Earls of Ross and Crawford, supported by the faction of the Livingstons and Hamiltons, and in conjunction with the party of the Yorkists in England, he entered into a conspiracy against his sovereign. It is well known, that at this moment the Duke of York, father to Edward the Fourth, was busy in exciting a spirit of dissension in England, and anxious to adopt every

<sup>1</sup> Auchinleck Chronicle, p. 44.

<sup>2</sup> Rymers, vol. xi. p. 283. Rotuli Scotie, vol. ii. p. 345.



means to weaken the power of Henry the Sixth. Douglas accordingly despatched his brother, Sir James, who repaired to London, and continued there for a considerable time, caressed by the faction which was inimical to the existing government; whilst the earl soon after obtained a protection for himself, his three brothers, twenty-six gentlemen, and sixty-seven attendants, who proposed to visit the court of England, and proceed afterwards to the continent.<sup>1</sup> It is worthy of observation, that the persons whose names are included in these letters of safe-conduct, are the same who afterwards joined the house of Douglas in their open revolt; and there seems to be no doubt, from this circumstance, that although the conspiracy did not now burst forth in its full strength, it was rapidly gaining ground, and advancing to maturity.

It was impossible, however, to conduct their treasonable designs upon so great a scale, without exposing themselves to the risk of detection; and some suspicions having been excited at this moment, or some secret information transmitted to the king, enough of the intrigue was discovered to justify parliament in depriving the Earl of Douglas of his office of lieutenant-general of the kingdom.<sup>2</sup> It will be recollected that the sovereign was now in his twenty-first year; that by attaching to his service the most enlightened of his clergy, and making use of the energetic talents of Crichton, his chancellor, he had already left nothing to Douglas but the name of his great office; and although his suspicion of the treasonable designs of the earl must have accelerated this last step, yet his deprivation appears to have been carried into execution without any open rupture. Indeed, James seems to

<sup>1</sup> Rymer, vol. xi. p. 284.

<sup>2</sup> Boece, book xviii. p. 372.

have been anxious that the blow should not fall too heavily; and with this object the formidable noble was invested almost immediately after with the office of warden of the west and middle marches of Scotland. At the same time, an entail was executed, by which the earldoms of Douglas and Wigtown were settled upon him and his descendants.<sup>1</sup>

It was at this crisis of the struggle between the legitimate prerogative of the Scottish sovereign and his ministers, and the overgrown authority of the house of Douglas, that the Duke of York and his party in England availed themselves of the popular discontents, occasioned by the loss of the French provinces, to dispossess the Duke of Somerset and the queen from the chief management of the state, and to acquire the principal control over the government. In consequence of this revolution, a decided change is apparent in the conduct of England towards the sister country, from the principles of a wise and pacific policy to those of an unsettled, ambitious, and sometimes decidedly hostile character. The first appearance of this is discernible in the negotiations regarding the truce which took place at Durham, on the 4th of August, 1451, where the amicable correspondence between the two countries was interrupted by a protest regarding the idle and antiquated claim of homage. Fortunately, however, this did not prevent the treaty of truce from being brought to a conclusion.<sup>2</sup>

In the meantime, Douglas returned to his principality in Annandale, and in the exercise of his authority of warden, commenced anew that series of tyrannical measures, which had already brought upon him the indignation of the government. Herries of Terregles,

<sup>1</sup> Mag. Sig. iv. 222. July 7, 1451.

<sup>2</sup> Rymer, vol. xi. pp. 291, 302.

a gentleman of ancient family, having attempted to defend himself by arms from the violence of his partisans, and to recover from them the property of which he had been plundered, was taken prisoner, and dragged before the earl, who in contempt of an express mandate of the king, solemnly delivered by a herald, ordered him to be instantly hanged. Soon after this another audacious transaction occurred, in the murder of Sir John Sandilands of Calder, a kinsman of James, by Sir Patrick Thornton, a dependant of the house of Douglas, along with whom were slain two knights, Sir James and Sir Allan Stewart, both of whom enjoyed the regard and intimacy of the sovereign.<sup>1</sup>

It appears to have been about this time, that, either from the circumstance of its having been more openly renewed, or less carefully concealed, the treasonable league between Douglas and the Earls of Ross and Crawford was discovered by James, who justly trembled at the formidable and extensive power which he found arrayed against the government. On the side of England, however, he was secure, owing to the recent renewal of the truce; upon the friendship of France he could calculate with equal certainty; but as it was impossible at once to destroy a conspiracy which was backed by a force equal to almost one-half of the armed population of Scotland, the king was compelled to temporize, and await a season when his own power should be more confirmed, and that of Douglas weakened by the jealousies and dissensions which, after some time, might be expected to break out in a confederacy, embracing so many men of fierce, capricious, and selfish habits. Douglas, however, who had already irritated and insulted the monarch, by the

<sup>1</sup> Auchinleck Chronicle, p. 45. Sir J. Balfour's Annals, vol. i. p. 180.

murder of Herries and Sandilands, seemed determined not to imitate the calmness and moderation of the government; and whilst the king's chief minister, the chancellor Crichton, was proceeding with his retinue through the southern suburb of Edinburgh, with the intention of embarking on board a vessel in the Forth, the party was suddenly attacked by an armed band of ruffians, hired for the purpose by the earl. Contrary, indeed, to the hopes of this lawless baron, the old chancellor defended himself with much bravery; and after being wounded escaped to Crichton castle, where, with a spirit which forgot the sense of pain in the desire of revenge, he instantly collected his vassals, and making an unexpected attack upon Douglas, expelled him and his adherents from the city.<sup>1</sup>

It affords a melancholy picture of the times, that this outrageous attack, committed upon the person of the chancellor and chief minister in the kingdom, was suffered to pass unpunished and even unnoticed by the law, and that he who had openly defied the royal authority, and trampled upon the regulations so recently passed in the parliament, was not long after employed in some political negotiations with England, in which there seems strong reason to believe he acted a part inimical to the existing government. The explanation of this must be looked for in the fact, that although partially aware of his treason, and determined to leave nothing unattempted to undermine and destroy his power, James was conscious that Douglas was still too strong for him, and dreaded to drive him into a rebellion which might have threatened the security of his throne. It was easy for him, on the other hand, silently to defeat his treachery, by conjoining

<sup>1</sup> Hawthornden, Hist. folio ed. p. 28.

with him, in the diplomatic or judicial situations in which he was employed, those tried counsellors upon whom he could implicitly rely; and, in the meantime, he employed the interval in concentrating that power by means of which he trusted to overwhelm him. An extraordinary outrage of the earl, however, accelerated the royal vengeance.

In the execution of the negotiation intrusted to him, Douglas had continued his correspondence with the party of the Yorkists in England, who still possessed a great influence in the state, although sometimes overruled by the opposite faction of Somerset and the queen. It seems to have been in consequence of such malign influence, that a letter was directed at this time by Henry the Sixth to the Scottish government, refusing to deliver up certain French ambassadors, who, on their voyage to Scotland, had been captured by the English;<sup>1</sup> and this step, which almost amounted to a declaration of hostility, was intended to be followed by a rising in Scotland, to be conducted by Douglas. On his return, therefore, to that country, the earl repaired to his estates; and, in furtherance of his league with the Earls of Ross and Crawford, summoned the whole body of his vassals to assemble their armed retainers, and join in the treasonable association. One of these, however, a gentleman of spirit and independence, named Maclellan, tutor of Bomby, a sister's son to Sir Patrick Gray captain of the king's guard, refused to obey an order which he rightly stigmatized as an act of open rebellion, and was in consequence seized by the earl, and cast into prison. The speedy and mortal punishment with which Douglas was accustomed to visit such offences, rendered the

<sup>1</sup> Rymer, *Fœdera*, xi. p. 306.

arrest of Maclellan a subject of immediate alarm at court; and as he was beloved by the young king, and the near kinsman of one of his confidential servants, James despatched an order under the royal seal, commanding the immediate release of the prisoner, which, to prevent all mistake, he sent by the hands of Sir Patrick Gray. This baron, accordingly, rode post to Douglas castle, and was received by its haughty lord with affected courtesy and humility. Well aware, however, of Gray's near relationship to his prisoner, he at once suspected the object of his errand; and, being determined to defeat it, gave private orders for the instant execution of Maclellan. He then returned to Gray, and requested him to remain and share his hospitality. "You found me," said he, "just about to sit down to dinner; if it pleases you, we shall first conclude our repast, and then peruse the letter with which I am honoured by my sovereign." Having concluded the meal, Douglas rose from table, broke the royal seal, and, glancing over the contents of the paper, assumed a look of much concern. "Sorry am I," said he, "that it is not in my power to give obedience to the commands of my dread sovereign, much as I am beholden to him for so gracious a letter to one whom he has been pleased of late to regard with somewhat altered favour; but such redress as I can afford thou shalt have speedily." Douglas then took Gray by the hand, and led him to the castle green, where the bleeding trunk of his poor friend lay beside the block upon which he had been recently beheaded. "Yonder, Sir Patrick," said he, "lies your sister's son—unfortunately he wants the head; but you are welcome to do with his body what you please." It may well be imagined how deep was the impression made by this cold and savage jest upon the mind of

Gray ; but he was in the den of the tyrant, and a single incautious word might have stretched him beside his murdered kinsman. Dissembling, therefore, his grief and indignation, he only replied, that since he had taken the head, the body was of little avail ; and calling for his horse, mounted him with a heavy heart, and rode across the drawbridge, to which the earl accompanied him. Once more, however, without the walls, and secure of his life, he reined up, and shaking his mailed glove, defied Douglas as a coward, and a disgrace to knighthood, whom, if he lived, he would requite according to his merits, and lay as low as the poor gentleman he had destroyed. Yet even this ebullition of natural indignation had nearly cost him dear, for the earl, braved in his own castle, gave orders for an instant pursuit ; and the chase was continued almost to Edinburgh, Gray only escaping by the uncommon fleetness of his horse.<sup>1</sup>

An action like this was fitted to rouse to the highest pitch the indignation of the sovereign, and the reprehension of every lover of freedom and good order. It manifested an utter contempt for the royal authority, a defiance of the laws, and a cruel exultation in the exercise of power. It had occurred, too, at a moment when an attempt had been made by the statutes lately passed in parliament, to put down the insolence of aristocratic tyranny, and was of the most dangerous example. It was evident to the sovereign that some instantaneous step must be taken to reduce an overgrown power which threatened to plunge the country into civil war, and that the time was come when it was to be shown whether he or the Earl of Douglas should henceforth rule in Scotland. But James, who

<sup>1</sup> Pitscottie, pp. 62, 63, 64.

had become aware of the league with Ross and Crawford, and of the overwhelming force which Douglas was ready to bring into the field, wisely hesitated before he adopted that course to which his determined temper inclined him ; with the advice of Crichton and his most prudent counsellors, he determined rather to enter into a personal negotiation with Douglas, and to attempt to convince him of the folly of his ambition, in defying the authority of the crown, and affecting the state and jurisdiction of an independent prince. He had hopes that, in this manner, he might prevail upon the earl to plead guilty to the offences which he had committed ; to accept the pardon which was ready to be tendered to him, upon his indemnifying the relations of those he had so cruelly injured ; and to take that upright share in the government to which he was entitled by his high rank, his great estates, and his important official situation.

In furtherance of this design, and suppressing his indignation at his late conduct, by considerations of political expediency, James despatched Sir William Lauder of Hatton, who had attended Douglas in his pilgrimage to Rome, with a message to him, expressive of the desire of the king to enter into a personal conference, promising absolute security for his person, and declaring, that upon an expression of regret for his misdemeanours, the offended majesty of the law might be appeased, and the pardon of the sovereign extended in his favour. It is impossible, in the imperfect historical evidence which remains of these dark and mysterious transactions, to discover whether this conduct and these promises of the king were perfectly sincere or otherwise.

It is asserted, in a contemporary chronicle, that the nobles who were then about the person of the monarch,



meaning the privy councillors and officers of his household, put their names and seals to a letter of safe-conduct, which bore the royal signature, and to which the privy seal was attached.<sup>1</sup> It is added, by the same writer, that many of the nobles had transmitted a written obligation to the earl, by which they bound themselves, even if the king should show an inclination to break his promise, that they, to the utmost of their power, would compel him to observe it; and there seems no reason to doubt the accuracy of this account.<sup>2</sup> But, in the lax morality of the times, the most solemn obligations were often little regarded; and there were many crafty casuists around the king, ready to persuade him, that with a traitor, who, by repeated acts of rebellion, had thrown himself without the pale of the laws, no faith ought to be kept; that to seize such an offender, every method was fair, and even fraud praiseworthy; and that, having once obtained possession of his person, it would be illegal to release him, till he had been declared innocent of the crimes of which he was accused by the verdict of a jury. That this was probably the full extent to which James had carried his intentions in entrapping Douglas, is to be inferred from the circumstances in which he was placed, and the partial light of contemporary records. That he meditated the dreadful and unjustifiable vengeance in which the interview concluded, cannot be supposed by any one who considers for a moment the character of the king, the statesmen by whose advice he was directed, or the dangerous crisis at which the meeting took place.

But to whatever extent the sovereign had carried

<sup>1</sup> Auchinleck Chronicle, p. 46.

<sup>2</sup> MS. Chronicle in the Library of the University of Edinburgh, A.C. c. 26.

his design, Douglas, believing himself secure under the royal protection and the oaths of the nobility, came with a small retinue to Stirling, in company with Sir William Lauder of Hatton;<sup>1</sup> and having first taken up his residence in the town, soon after passed to the castle, where he was received by the king with much apparent cordiality, and invited to return on the morrow to dine at the royal table. He accordingly obeyed; and on the following day, not only dined, but supped with the king; whilst nothing appeared to have disturbed in the slightest degree the harmony of their intercourse. After supper, however, which, we learn from the contemporary chronicle, was at seven in the evening, the monarch, apparently anxious to have some private conversation with the earl, took him aside from the crowd of courtiers by whom they were surrounded, into an inner chamber, where there were none present but the captain of his body-guard, Sir Patrick Gray, whom he had lately so cruelly injured, Sir William Crichton, Lord Gray, Sir Simon Glendonane, and a few more of his most intimate counsellors.<sup>2</sup> James then, walking apart with Douglas, with as much calmness and command of temper as he could assume, began to remonstrate upon his late violent and illegal proceedings. In doing so, it was impossible he should not speak of the execution of Herries, the waylaying of Sandilands, and the late atrocious murder of the tutor of Bomby. The sovereign next informed him, that he had certain intelligence of the treasonable league which he had formed with the Earls of Ross and Crawford; he explained to him that his very admission that such a confederacy existed, made him obnoxious to the punishment of a rebel, and threw him out of the protec-

<sup>1</sup> Auchinleck Chronicle, p. 46.

<sup>2</sup> Ibid. p. 47.

tion of the laws ; and he conjured him, as he loved his country, and valued his own safety and welfare, to break the band which bound him to such traitors, and return, as it became a dutiful subject, to his allegiance.<sup>1</sup> But Douglas, unaccustomed to such remonstrances, and perhaps heated by the recent entertainment, listened with impatience, and replied with haughty insolence. He even broke into reproaches ; upbraided James with his being deprived of his office of lieutenant-governor of the kingdom ; and after a torrent of passionate abuse against the counsellors who had insinuated themselves into the royal confidence, declared that he little regarded the name of treason, with which his proceedings had been branded : that as for his confederacy with Ross and Crawford, he had it not in his power to dissolve it ; and, if he had, he would be sorry to break with his best friends to gratify the idle caprices of his sovereign. Hitherto the king had listened with patience, which was the more remarkable, as he was naturally fiery and impetuous in his temper ; but this rude defiance, uttered to his face by one whom he regarded as an open enemy ; who had treated his royal mandate with contempt ; under whose nails, to use a strong expression of the times, the blood of his best friends was scarce dry, entirely overcame his self-command. He broke at once from a state of quiescence into an ungovernable fury, drew his dagger, and exclaiming, " False traitor, if thou wilt not break the band, this shall !" he stabbed him first in the throat, and instantly after in the lower part of the body. Upon this, Sir Patrick Gray, with a readiness and good-will which was whetted by revenge, at one blow felled him with his pole-axe ; and the rest of the nobles who stood near the king, rushing in upon

<sup>1</sup> MS. Chronicle in the University Library, Edinburgh. Hawthorn-den's History, folio edition, p. 29.

the dying man, meanly gratified their resentment by repeated strokes with their knives and daggers; so that he expired in a moment, without uttering a word, and covered with twenty-six wounds. The window was then thrown open, and the mangled trunk cast into an open court adjoining the royal apartments.<sup>1</sup>

For a murder so atrocious, committed by the hand of the sovereign, and upon the person of a subject for whose safety he had solemnly pledged his royal word, no justification can be pleaded. It offered to the country, at a time when it was important to afford a specimen of respect for the laws, and reverence for the authority of parliament, an example the most pernicious that can be conceived, exhibiting the sovereign in the disgraceful attitude of trampling upon the rules which it was his duty to respect, and committing with his own hand the crimes for which he had arraigned his subjects. But if James must be condemned, it is impossible to feel much commiseration for Douglas, whose career, from first to last, had been that of a selfish, ambitious, and cruel tyrant; who, at the moment when he was cut off, was all but a convicted traitor; and whose death, if we except the mode by which it was brought about, was to be regarded as a public benefit. These considerations, however, were solely entertained by the friends of peace and good order: by the immediate relatives, and the wide circle of the retainers and vassals of the earl, his assassination was regarded with feelings of bitter and unmingled indignation.

Immediately after the death of his powerful enemy, the king, at the head of an armed force, proceeded to Perth in pursuit of the Earl of Crawford, another

<sup>1</sup> Gray's MS. Advocates' Library. Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

party, as we have seen, in the league which had cost his associate so dear. In his absence, the faction of Douglas, led by Sir James Douglas, the brother of the murdered chief, who succeeded to the earldom, along with Hugh earl of Ormond, Lord Hamilton, and six hundred barons and gentlemen, followers and supporters of the family, invaded the town of Stirling, and in the first ebullition of their fury and contempt, according to an ancient custom of defiance, blew out upon the king twenty-four horns at once.<sup>1</sup> They then took the letter of assurance, subscribed by the names and guaranteed by the seals of the Scottish nobles, and exhibiting it at the Cross, proceeded to nail it, with many "slandrous words," to a board, which they tied to the tail of a sorry horse, and thus dragged it, amid the hooting and execration of their followers, through the streets. The scene of feudal defiance was concluded by their setting fire to the town, and carrying off a great booty.<sup>2</sup>

In the meantime, the king proceeded to enrich and reward his servants, by the forfeiture of the lands of those who had shared in the treason of Douglas. He promoted to the office of lieutenant-general of the kingdom the Earl of Huntley, committing to his assured loyalty and experience in war the task of putting down the rebellion of Crawford and Ross; and empowering him to promise to all who came forward to join the royal standard, an ample indemnity for past offences, as well as to those who continued firm in their original loyalty the most substantial marks of the favour of the crown. Huntley, in the execution of his new office, instantly raised a large force in the

<sup>1</sup> Auchinleck Chronicle, p. 47. MS. Chronicle in the University Library, Edinburgh.

<sup>2</sup> Auchinleck Chronicle, p. 47.

northern counties, and having displayed the royal banner, encountered the Earl of Crawford, surnamed "The Tiger," on a level muir beside the town of Brechin, and gave him a total defeat. The action was fought with determined bravery on both sides, and, although Huntley far outnumbered his opponents, for a long time proved doubtful; but, during the warmest part of the struggle, Colessie of Balnamoon, now called Bonnymoon, who commanded the left wing of the Angus billmen, went over to the enemy, in consequence of some disgust he had conceived the night before in a conference with Crawford; and the effect of his sudden desertion was fatal to his party. His troops, dismayed at this unexpected calamity, and regardless of the furious and almost insane efforts which he made to restore the day, took to flight in all directions. John Lindsay of Brechin, brother to the Tiger, Dundas of Dundas, with sixty other lords and gentlemen, were slain upon the field. On the other side, the loss did not exceed five barons and a small number of yeomen; but amongst the slain, Huntley had to mourn his two brothers, Sir William and Sir Henry Seton.<sup>1</sup> During the confusion and flight of Crawford's army, a yeoman of the opposite side, riding eagerly in pursuit, became involved in the crowd, and, fearful of discovery, allowed himself to be hurried along to Finhaven castle, to which the discomfited baron retreated. Here, amid the tumult and riot consequent upon a defeat, he is said to have overheard with horror the torrent of abuse and blasphemy which burst from the lips of the bearded savage, who, calling for a cup of wine on alighting from his horse, and cursing in the bitterness of his heart the traitor who

<sup>1</sup> Auchinleck Chronicle, p. 48. Lesley's Hist. p. 23.

had betrayed him, declared that he would willingly take seven years' roasting in hell to have the honour of such a victory as had that day fallen to Huntley.<sup>1</sup>

In the meantime, although the king was thus victorious in the north, the civil war, which was kindled in almost every part of Scotland by the murder of Douglas, raged with pitiless and unabated fury. The Earl of Angus, although bearing the name of Douglas, had refused to join in the late rebellion, in consequence of which his castle of Dalkeith, a place of great strength, was instantly beleaguered by the enemy, who ravaged and burnt the adjacent town, and bound themselves by a great oath not to leave the siege till they had razed it to the ground. The bravery, however, of Patrick Cockburn, the governor, soon compelled them to forego their resolution, and to divert their fury, which had been concentrated against Dalkeith, upon the villages and granges of the adjacent country. The roads and highways became utterly insecure, the labours of agriculture were intermitted, the pursuits of trade and commerce destroyed or feebly followed, from the terror occasioned by the troops of armed banditti who overspread the country, and nothing but insolent riot and needy boldness was prosperous in the land. In the north, whilst Huntley was engaged with Crawford, the Earl of Moray, brother of the late Earl of Douglas, invaded and wasted his estates in Strathbogie. Huntley, on the other hand, victorious at Brechin, fell, with a vengeance whetted by private as well as public wrongs, upon the fertile county of Moray, and completely razed to the ground that half of the city of Elgin which belonged to his enemy; whilst Crawford, infuriated but little weakened by his

<sup>1</sup> Hawthornden's Hist. p. 31.

loss at Brechin, attacked in detail, and "*harried*"<sup>1</sup> the lands of all those to whose refusal to join his banner he ascribed his defeat, expelling them from their towers and fortalices, giving the empty habitations to the flames, and carrying themselves and their families into captivity.

In addition to the miseries of open war were added the dangers of domestic treason. James, the ninth Earl of Douglas, through the agency of his mother lady Beatrix, who at this time repaired to England, continued that secret correspondence with the party of the Yorkists, which appears to have been begun by the late earl.<sup>2</sup> Soon after this, in the extremity of his resentment against the murderer of his brother, he agreed to meet the Bishop of Carlisle, with the Earl of Salisbury and Henry Percy, as commissioners from the English government, then entirely under the management of the Yorkists, and not only to enter into a treaty of mutual alliance and support, but to swear homage to the monarch of England, as his lawful sovereign. Such a miserable state of things calling loudly for redress, the king summoned the three estates to assemble at Edinburgh, on the 12th of June, 1452. During the night, however, previous to the meeting, a placard, signed with the names of James earl of Douglas, his three brothers, and Lord Hamilton, their near connexion, was fixed to the door of the house of parliament, renouncing their allegiance to James of Scotland, as a perjured prince and merciless murderer, who had trampled on the laws, broken his word and oath, and violated the most sacred bond of hospitality; declaring, that henceforth they held no lands from him, and never would give obedience to any mandate which

<sup>1</sup> Harried — Wasted with fire, sword, and plunder.

<sup>2</sup> Lesley's Hist. pp. 23, 24. Rymer, vol. xi. p. 310.



bore the name and style which he had disgraced and dishonoured.<sup>1</sup> It may be easily imagined that a defiance of this gross nature was calculated to exasperate the bitterness of feudal resentment; and from the mutilated records which remain to us of the proceedings of this parliament, the leaders and followers of the house of Douglas appear to have been treated with deserved severity.

It was first of all declared in a solemn deed, which met with the unanimous approval of the parliament, that the late Earl of Douglas having, at the time of his death, avowed himself an enemy to the king, and acknowledged a treasonable league as then existing between him and the Earls of Crawford and Ross, was in a state of open rebellion, and that, in such circumstances, it was lawful for the king to put him summarily to death.<sup>2</sup> Sir James Crichton, the eldest son of the lord chancellor, was created Earl of Moray, in the place of Archibald Douglas, late Earl of Moray, who was forfeited. Others of the loyal barons, who had come forward at this dangerous crisis in support of the crown, were rewarded with lands and dignities. Lord Hay, constable of Scotland, and head of an ancient house, whose bravery and attachment to the crown had been transmitted through a long line of ancestry, was created Earl of Errol. Sir George Crichton of Cairnes was rewarded with the earldom of Caithness, and the Baron of Darnley, Hepburn of Hailes, Boyd, Fleming, Borthwick, Lyle, and Cathcart, were invested with the dignity of lords of parliament. Lands partly belonging to the crown, partly consisting of estates which had been forfeited by the Douglasses and their adherents, were bestowed upon Lord Camp-

<sup>1</sup> Auchinleck Chronicle, p. 48.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 73.

bell, and his son Sir Colin Campbell, Sir David Hume, Sir Alexander Home, Sir James Keir, and others; but as the appropriation of these estates was an act of the secret council, carried through without the sanction and during the sitting of parliament, it was believed to be unconstitutional, and liable to legal challenge.<sup>1</sup> In the meantime, however, these events, combined with the increasing energy and ability of the sovereign, and the joyful occurrence of the birth of a prince, afterwards James the Third,<sup>2</sup> had the effect of weakening the once formidable power of Douglas. The loss of its chief, the defeat of Crawford, the forfeiture of Moray, the sight of those strong and powerful vassals, who, either from the love of their prince, or the hope of the rewards which were profusely distributed, flocked daily to court with their troops of armed retainers, all combined to render the allies of this rebellious house not a little doubtful of the ultimate success of the struggle in which they were engaged; and when, immediately after the conclusion of the parliament, the royal summonses were issued for the assembling of an army on the muir of Pentland, near Edinburgh, the monarch in a short time found himself at the head of a force of thirty thousand men, excellently armed and equipped, and animated by one sentiment of loyalty and affection.<sup>3</sup>

With this army, the king proceeded in person against the Earl of Douglas, directing his march through the districts of Peebles-shire, Selkirk forest, Dumfries, and Galloway, in which quarters lay the principal estates of this great rebel, who did not dare to make any resistance against the invasion. To prevent the destruction of the crops, which, as it was now the middle of autumn, were almost fully ripe,

<sup>1</sup> Auchinleck Chronicle, p. 49.

<sup>2</sup> Born, June 1, 1452.

<sup>3</sup> Auchinleck Chronicle, p. 49.

was impossible; and an ancient chronicle complains that the royal army "destroyit the country right felonly, baith in cornes, meadows, and victuals;" whilst many barons and gentlemen, who held lands under the Douglasses, but dreading the vengeance of the sovereign had joined the expedition, endured the mortification of seeing their own estates utterly ravaged and laid waste, by the friends whose power they had increased, and whose protection they anticipated.<sup>1</sup> Notwithstanding these misfortunes, which it is probable the sovereign, by the utmost exertion of his prerogative, could not prevent, the army continued united and attached to the royal cause; so that, on its appearance before the castle of Douglas, that haughty chief, who had lately renounced his allegiance, and who still maintained a secret correspondence with England, found himself compelled to lay down his arms, and to implore, with expressions of deep contrition, that he might be once more restored to favour. The consequence of this was a negotiation, in which James, conscious, perhaps, of the provocation he had given, and anxious to restore tranquillity to his dominions, consented to pardon the Earl of Douglas and his adherents, upon certain conditions which are enumerated in a written bond, or "appointment," as it is denominated, the original of which is still preserved.

In this interesting document, James earl of Douglas, in the first place, engaged to abstain from every attempt to possess himself of the lands of the earldom of Wigtown or of the lordship of Stewarton, forfeited by the last earl, and presented by the sovereign to his consort the queen. He next promised in his own

<sup>1</sup> Auchinleck Chronicle, p. 49.

name, and in that of his brother, as well as the Lord Hamilton, fully and for ever to forgive all manner of rancour of heart, feud, malice, and envy, which they had entertained in time past, or might conceive in time to come, against any of the king's subjects, and more especially against all those who were art and part in the slaughter of the late William earl of Douglas; and he stipulated, for himself and his friends, to obey the wishes of his sovereign, by taking such persons once more heartily into his friendship. The next provision did honour to the humanity of the king, and evinced an enlightened anxiety for the welfare of the lower classes of his people. By it, the earl obliged himself, that the whole body of his tenants and rentallers, wherever they might be settled upon his estates, should remain unmolested in their farms, and protected by their tacks or leases till "Whitsunday come a-year;" except those tenants that occupied the granges and farm "steadings" which were in the hands of the late earl, at the time of his decease, for his own proper use. Even these, however, were not to be immediately dispossessed, but permitted to remain upon their farms till the ensuing Whitsunday, so that the corns should be duly gathered in, and neither the proprietor nor the cultivator endamaged by the sudden desertion of the ground. Douglas next engaged to dissolve all illegal bands or confederations into which he had already entered, and to make no more treasonable agreements in time to come: he promised to bring no claim against the king for any rents which he might have levied, or which the queen might have distrained in Douglasdale or Galloway, previous to this agreement: he bound himself, in the execution of his office of warden, to maintain and defend the borders, and keep the truce between the

kingdoms to the best of his skill and power, and to pay to his sovereign lord, the king, all honour and worship, "he having such surety as was reasonable for safety of his life." Lastly, he engaged to restore all goods which had been seized from persons who enjoyed letters of protection, and to make compensation for all injuries which they had sustained: and to this agreement he not only put his own hand and seal, but, for the greater solemnity, took his oath upon the holy gospels.<sup>1</sup>

That the king was led by sound policy, in his desire to convert the Earl of Douglas from a dangerous opponent of the government into a peaceable subject, cannot be doubted. But although the principle was good, the measures adopted for the accomplishment of the end in view were injudicious. Instead of effectually abridging the vast power of Douglas, leaving him just so much as should prevent him from being driven to despair, James, either following his own opinion, or misled by the advice of Crichton and Kennedy, who at this time acted as his chief counsellors, not only promised to put him into possession of the earldom of Wigtown and the lands of Stewarton, but engaged in a negotiation with the court of Rome, the object of which was to prevail upon the pope to grant a dispensation for the marriage of the earl with the Countess Margaret, the youthful widow of his deceased brother. The dispensation having accordingly been procured, the marriage took place, although the unnatural alliance was forced upon the heiress of Galloway, contrary to her earnest tears and entreaties.<sup>2</sup> It is difficult to understand, from the

MS. Collections, called Sir Lewis Stewart's Collections. Advocates' Library, Edin. a 4, 7, p. 19. It is dated 28th August, 1452. See Illustrations, M.

<sup>2</sup> Andrew Stuart's Hist. p. 444.

imperfect records of those times, how such sagacious politicians as Crichton and Kennedy should have given their countenance to a measure so pregnant with mischief. It again united in the person of the Earl of Douglas the immense entailed and unentailed estates of the family; and, should he have children, it revived the disputed claims between the descendants of Euphemia Ross and Elizabeth More, holding out an inducement to that ambitious noble to re-enact his brother's treason.<sup>1</sup> There is reason to believe, indeed, that perhaps at the very moment when Douglas was thus experiencing the distinguished favour of his sovereign, and undoubtedly within a very short period thereafter, he had engaged in a secret treasonable correspondence with Malise earl of Menteith, then a prisoner in Pontefract castle, and the English ministers. Its object was to overturn the existing government in Scotland, and to put an end to the dynasty then on the throne, by means of a civil insurrection, which was to be seconded by the arms and the money of the Yorkists, whilst the confidence with which he was treated enabled him to mature his designs in the sunshine of the royal favour.<sup>2</sup>

In the meantime, the king, apparently unsuspecting of any such intentions, undertook an expedition to the north, accompanied by his privy council and a select body of troops, consisting, in all probability, of that personal guard which, in imitation of the French monarchs, appears for the first time during this reign in Scotland. The Earl of Huntley, by his zeal and activity in the execution of his office of lieutenant-general, had succeeded in restoring the northern coun-

<sup>1</sup> Duncan Stewart's *Hist. and Geneal. Account of the Royal Family of Scotland*, p. 57.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 368. 17th June, 1453.

ties to a state of quiet and security; and in the progress through Angus a singular scene took place. The Earl of Crawford, lately notorious for his violent and rebellious career, and the dread of Scotland under his appellation of "The Tiger," suddenly presented himself before the royal procession, clothed in beggarly apparel, his feet and head bare, and followed by a few miserable looking servants in the same ragged weeds. In this dejected state he threw himself on his knees before the king, and with many tears implored his forgiveness for his repeated treasons. Huntley, with whom he had already made his peace, along with Crichton and Kennedy, by whose advice this pageant of feudal contrition had been prepared, now interceded in his behalf; and the king, moved by the penitence, not only of the principal offender, but of the miserable troop by whom he was accompanied, extended his hand to Crawford. He assured him that he was more anxious to gain the hearts than the lands of his nobles, although by repeated treasons their estates had been forfeited to the crown, and bade him and his companions be of good cheer, as he was ready freely to forgive them all that had past, and to trust that their future loyalty would atone for their former rebellion. The fierce chief was accordingly restored to his honours and estates; and the king appears to have had no reason to repent his clemency, for Crawford, at the head of a strong body of the barons and gentlemen of Angus, accompanied the monarch in his future progress.<sup>1</sup> On his return, he entertained him with great magnificence at his castle of Finhaven; and, from this time till the period of his death, remained a faithful supporter of the government. It was unfortunate, indeed, that a fever, which cut him off six

<sup>1</sup> Buchanan, book xi. chap. 42. Lesley's Hist. p. 27.

months after his restoration to the royal favour, left him only this brief interval of loyalty to atone for a life of rebellion.<sup>1</sup>

It is pleasing to be compelled for a few moments to intermit the narrative of domestic war and civil confusion, by the occurrence of events which indicate a desire at least to soften the ferocity of feudal manners, by the introduction of schools of learning. In the month of January, 1450, Pope Nicholas, at the request of William Turnbull bishop of Glasgow, granted his rescript for the foundation of a university in that city; and in the month of June, in the subsequent year, the papal bull was proclaimed at the Cross with great solemnity. Yet at first the infant university was sparingly endowed; and such was the iniquity of the times, and the unfavourable disposition towards learning, that, so late as the year 1521, we are informed by Mair, in his History of Scotland, it was attended by a very small number of students.<sup>2</sup>

The transactions which occupied the years immediately succeeding the death of the Earl of Crawford, are involved in an obscurity which is the more to be lamented, as their consequences were highly important, and ultimately led to the total destruction of the house of Douglas. The only contemporary chronicle which remains is unfortunately too brief to afford us any satisfactory insight into the great springs of a rebellion which shook the security of the throne; and the light reflected on those dark times by the few original records which remain, is so feeble and uncertain, that it operates rather as a distraction than an assistance to the historian. In such circumstances,

<sup>1</sup> Auchinleck MS. p. 51.

<sup>2</sup> Major, *De Gestis Scotorum*, p. 19. Auchinleck Chron. p. 45.



abstaining from theory and conjecture, the greater outlines are all that it is possible to trace.

During the year 1454, the Earl of Douglas entered deeply into a treasonable correspondence with the powerful party of the Yorkists in England, who, at this time, having succeeded in undermining the influence of the Duke of Somerset, had obtained the supreme management of the state.<sup>1</sup> The great principles which regulated the foreign policy of the party of York, were enmity to France, and consequently to Scotland, the ancient ally of that kingdom; and this naturally led to a secret negotiation with the Earl of Douglas. His ambition, his power, his former rebellion, his injuries and grievances, were all intimately known at the English court; and it was not difficult for a skilful intriguer like the Duke of York, by addressing to him such arguments as were best adapted to his design, to inflame his mind with the prospect of supreme authority, and rouse his passions with the hope of revenge. Douglas, however, had miscalculated the strength of the king, which was far greater than he supposed; and he had reckoned too certainly on the support of some powerful fellow-conspirators, who, bound to him, not by the ties of affection, but of interest, fell off the moment they obtained a clear view of the desperate nature of the enterprise in which he was engaged.

In the midst of these threatened dangers, and in the end of the year 1454, Lord Crichton, late chancellor of the kingdom, and a statesman of veteran experience, died at the castle of Dunbar. If we except his early struggles with his rival Livingston, for the custody of the person of the infant king, his life, compared with.

<sup>1</sup> Rymer, vol. xi. p. 349. Acts of the Parliament of Scotland, vol. ii. pp. 75, 76. *Processus Forisfacture Jacobi Douglas, olim Comitum de Douglas.* Carte's Hist. of England, vol. ii. p. 745.

that of most of his fellow-nobles, was one of upright and consistent loyalty; and since his coalition with Kennedy, he had so endeared himself to his sovereign, that the most intimate of the royal counsellors dreaded to impart to him an event which they knew would so deeply affect him.<sup>1</sup>

In the meantime Douglas despatched Lord Hamilton into England, where, in a meeting with the Yorkists, an immediate supply of money and of troops was promised,<sup>2</sup> upon the condition that the conspirators should give a pledge of the sincerity of their intentions, by taking the oath of homage to the English crown,—a piece of treachery to which Hamilton would not consent, although there is reason to believe it met with few scruples in the convenient conscience of Douglas. Before, however, this test had been taken, the royal vengeance burst upon the principal conspirator with a violence and a rapidity for which he appears to have been little prepared. James, at the head of a force which defied all resistance, attacked and stormed his castle of Inveravon, and, after having razed it to the ground, pressed forward without a check to Glasgow, where he collected the whole strength of the western counties, and a large force of the highlanders and islesmen. With this army he marched to Lanark, invaded Douglasdale and Avondale, which he wasted with all the fury of military execution; and after delivering up to fire and sword the estates belonging to Lord Hamilton, passed on to Edinburgh; from thence, without delay, at the head of a new force, chiefly of lowlanders, he invaded the forests of Selkirk and Ettrick, and compelled all the barons and landed gentlemen, of whom he entertained

<sup>1</sup> Auchinleck Chronicle, p. 52.  
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<sup>2</sup> Ibid. p. 53.  
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any suspicion, to renew their allegiance, and join the royal banner, under the penalty of having their castles levelled with the ground and their estates depopulated.<sup>1</sup> He next besieged the castle of Abercorn, which, from the great strength of its walls, and the facilities for defence afforded by its situation, defied for a month the utmost attempts of the royal army.<sup>2</sup> Battered and broken up at last, by the force of the machines which were brought to bear upon the towers, and exposed to the shot of a gun of large size, which was charged and directed by a French engineer, the place was taken by escalade, and the principal persons who had conducted the defence instantly hanged. The walls were then dismantled, and the rest of the garrison dismissed with their lives. During the siege, a desperate but ineffectual attempt to disperse the royal army was made by Douglas, who concentrated his forces at Lanark,<sup>3</sup> and, along with his kinsman, Lord Hamilton, advanced to the neighbourhood of Abercorn, where, however, such was the terror of the royal name, and the success of the secret negotiation of Bishop Kennedy with the leaders in the rebel army, that in one night they deserted the banner of their chief, and left him a solitary fugitive, exposed to the unmitigated rigour of the regal vengeance. Hamilton, whose treachery to Douglas had principally occasioned this calamity, was immediately committed to close confinement, whilst the great earl himself, hurled in a moment from the pinnacle of pride and power to a state of terror and destitution, fled from his late encampment under cover of night, and for some time

<sup>1</sup> Auchinleck Chronicle, pp. 53, 54.

<sup>2</sup> Original letter from James the Second to Charles the Seventh of France. Pinkerton's Hist. vol. i. p. 486.

<sup>3</sup> Acts of the Parliament of Scotland, vol. ii. p. 76.

so effectually eluded pursuit, that none knew in what part of Scotland he was concealed.<sup>1</sup>

In the meantime, the success of the king was attended with the happiest effects throughout the country, not only in affording encouragement to the friends of peace and order, who dreaded the re-establishment of a power, in the house of Douglas, which repeated experience had shown to be incompatible with the security of the realm, but in bringing over to the royal party those fierce feudal barons, who, either from fear, or the love of change and of plunder, had entered into bands with the house of Douglas, and now found it their interest to desert a falling cause. In consequence of this change, the castles which, in the commencement of the rebellion, had been filled with military stores, and fortified against the government, were gradually given up and taken possession of by the friends of the crown. Douglas castle, with the strong fortresses of Thrieve in Galloway, Strathaven, Lochindorb, and Tarnaway, fell successively into the hands of the king; and the Earl of Douglas, having once more reappeared in Annandale at the head of a tumultuous assemblage of outlaws, who had been drawn together by the exertions of his brothers, the Earls of Moray and Ormond, was encountered at Arkinholme,<sup>2</sup> and totally defeated by the king's troops, under the command of the Earl of Angus. The battle was fought by Douglas with that desperate courage which arose out of the conviction that it must be amongst his last struggles for existence; but the powerful and warlike border families, the Maxwells, Scotts, and Johnstons, inured to daily conflict, had joined the standard of the king, and the undisciplined rabble which composed the rebel army

<sup>1</sup> Auchinleck Chronicle, pp. 53, 54.

<sup>2</sup> Arkinholme, on the river Esk, opposite Wauchop kirk.

were unable to stand against them.<sup>1</sup> Ormond was taken prisoner, and instantly executed; his brother, the Earl of Moray, fell in the action; and after a total dispersion of his army, the arch-rebel, along with his only remaining brother, Sir John Douglas of Balveny, made his escape into the wilds of Argyleshire, where he was received by the Earl of Ross, the only friend who now remained to him, of all the great connexions upon whose assistance he had so confidently reckoned in his enterprise against his sovereign. These important events took place during the continuance of the siege of Abercorn, and the first intimation of them received by the king was the arrival of a soldier from the field of Arkinholme, who laid the bleeding and mangled head of the Earl of Moray at the feet of his prince. "The king," says an ancient chronicle, "commended the bravery of the man who brought him this ghastly present, although he knew not at the first look to whom the head belonged."<sup>2</sup>

Having brought his affairs to this successful conclusion, James assembled his parliament at Edinburgh on the 9th of June, 1455, and proceeded to let loose the offended vengeance of the laws against the rebels who had appeared in arms against the government. James late earl of Douglas, having failed to appear and answer to the charges brought against him, after having been duly summoned at his castles of Douglas and Strathaven, was declared a traitor; his mother, Beatrix countess of Douglas, in consequence of the

<sup>1</sup> Sir Walter Scott of Kirkurd, the male ancestor of the Buccleuch family, on February 22, 1458-9, got a charter of lands in the barony of Crawfordjohn, "pro eo quod interfuit conflictu de Arkinholme, in occisione et captione rebellium quondam Archib. et Hugonis de Douglas, olim Comitum Moravie et Ormond." *Mag. Sigill.* v. 46.

<sup>2</sup> *MS. Chronicle of this reign in the university of Edinburgh, A.C. c. 26.* Letter of James the Second to Charles the Seventh. Pinkerton, vol. i. p. 486. See Illustrations, N.

support and assistance lent by her to the cause of her son, his brother Archibald late earl of Moray, who had fallen at Arkinholme, and Sir John Douglas of Balveny, who had fortified the castle of Abercorn, and leagued himself with the king's enemies of England, were involved in the same condemnation; and the prelates and clergy who sat in the parliament having retired, David Dempster of Caraldstone pronounced it to be the judgment of the three estates, that these persons had forfeited their lives, and that their whole moveable and unmoveable property, their estates, chattels, superiorities, and offices, had escheated in the hands of the crown. To give additional solemnity to this sentence, the instrument of forfeiture, which is still preserved, was corroborated by the seals of the Bishops of St Andrews, Dunblane, Ross, Dunkeld, and Lismore; by those of the Earls of Athole, Angus, Menteith, Errol, and Huntley; those of the Lords Lorn, Erskine, Campbell, Grahame, Somerville, Montgomery, Maxwell, Leslie, Glammis, Hamilton, Gray, Boyd, and Borthwick; whilst the sanction of the whole body of the commissioners of the burghs, who were not provided at the moment with the seals of their respective communities, was declared to be fully given by appending to it the single seal of the burgh of Haddington.<sup>1</sup>

Whilst such events were passing in the low country, the Earl of Douglas, formidable even in his last struggle, had entered into an alliance with John earl of Ross and lord of the Isles, to whom he had fled immediately after the disastrous issue of the battle of Arkinholme. This powerful ocean prince immediately assembled his vassals, and having collected a fleet of

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 42, 75, 77.

a hundred light galleys, which received on board a force of five thousand men, he intrusted the chief command to his near relation, Donald Balloch lord of Isla, and a chief of formidable power not only in Scotland, but in the north of Ireland.<sup>1</sup> Animated by hereditary hatred against the Scottish throne, Donald conducted a naval "raid," or predatory expedition, along the western coast of Scotland, commencing hostilities at Innerkip, and thence holding his progress to Bute, the Cumrays, and the island of Arran. Yet, owing to the able measures of defence adopted by the king, the enterprise met with little success; and the loss to the government, in lives and in property, was singularly disproportionate to the formidable maritime force which was engaged. "There was slain," says a contemporary chronicle, whose homely recital there is no reason to suspect of infidelity, "of good men fifteen, of women two or three, of children three or four. The plunder included five or six hundred horse, ten thousand oxen and kine, and more than a thousand sheep and goats. At the same time, they burnt down several mansions in Innerkip, around the church, harried all Arran, stormed and levelled with the ground the castle of Brodick, and wasted with fire and sword the islands of the Cumrays. They also levied tribute upon Bute, carrying away a hundred bolls of meal, a hundred bolls of malt, a hundred marts, and a hundred marks of silver."<sup>2</sup> The expedition appears to have been concluded by an attack upon Lauder bishop of Lismore, a prelate who had made himself obnoxious to the party of Douglas, by affixing his seal to the instrument of

<sup>1</sup> This Donald Balloch was son of John of Isla, brother to Donald earl of Ross, and inherited, through his mother, the territory of the Glens, in the county of Antrim.

<sup>2</sup> Auchinleck Chronicle, p. 55.

their forfeiture. This dignitary, a son of the ancient family of Lauder of Balcomy in Fife, had been promoted by James the First to the bishoprick of Argyle; but ignorant of the manners and the language of the rude inhabitants of his diocese, he early became unpopular, and his attempts to extinguish the disorders with which he was surrounded, by the firm authority of ecclesiastical law, were received with execration, and almost universal resistance. Three years previous to the expedition of Donald Balloch, on the occurrence of some misunderstanding between a parson or vicar of the bishop, whom he had appointed to one of his churches, and some of the Celtic officials attached to the administration of the diocese, Sir Gilbert Mac-lachlan, and Sir Morice Macfadyan, who filled the offices of chancellor and treasurer of the cathedral, having assembled the whole force of the clan Lachlan, violently assaulted the prelate during the course of a peaceful journey to his own cathedral church. They scornfully addressed him in the Gaelic tongue; dragged from their horses and bound the hands of the clerks which composed his train; stripped them of their rich copes, hoods, and velvet caps; plundered, next morning, the repositories of the church of its silver and ornaments; even seized the bulls and charters, and compelled the bishop, under terror of his life, to promise that he would never prosecute the men who had thus shamefully abused him. Such were the miserable scenes of havock and violence which fell to the lot of the prelates who were bold enough to undertake the charge of those remote and savage dioceses; and we now, only three years after this cruel assault, find the same unfortunate dignitary attacked by the fierce admiral of the Isles, and after the slaughter of the greater part of his attendants, driven into a sanctuary



which seems scarcely to have protected him from the fury of his enemies.<sup>1</sup>

Whilst Douglas thus succeeded in directing against the king the vengeance of the Isles, he himself had retired to England, where he was not only received with distinction by his ally, the Duke of York, at this time possessed of the supreme power in the government, but repaid for his service by an annual pension of five hundred pounds, "to be continued to him until he should be restored to his possessions, or to the greater part of them, by the person who then called himself King of Scots."<sup>2</sup> It was hardly to be expected that an indignity like this, offered by a faction which had all along encouraged a rebellion in Scotland as a principal instrument in promoting their intrigues, should not have excited the utmost resentment in the bosom of the Scottish monarch; and it was evident that a perseverance in such policy must inevitably hurry the two nations into war. James, however, whose kingdom was scarce recovered from the lamentable effects of the late rebellion, with a wisdom which was willing to overlook the personal injury, in his anxiety to secure to his people the blessing of peace, despatched a conciliatory embassy to the English court. At the same time, he directed a letter to Henry the Sixth, complaining of the encouragement held out to a convicted traitor like Douglas, warning him of the fatal consequences which must result to himself in England, as well as to the kingdom which had been committed by God to his charge, if rebellion in a subject was thus fostered by a Christian prince; and declaring that, however unwilling to involve his subjects in war, he would never so far forget his kingly

<sup>1</sup> Auchinleck Chronicle, pp. 50, 51.

<sup>2</sup> Rymer, *Fœdera*, vol. xi. p. 367.

office as to permit his own dignity to be insulted, and the prosperity of his people endangered, with impunity, by any power whatever.<sup>1</sup>

This spirited remonstrance appears to have been followed by preparations for immediate hostilities, which, it may be easily believed, were not rendered less urgent by the following extraordinary epistle, which was soon after transmitted to the Scottish monarch :—"The king, to an illustrious prince, James, calling himself King of Scotland, sends greeting : We presume that it is notorious to all men, and universally acknowledged as a fact, that the supreme and direct dominion over the kingdom of Scotland, appertains by law to the King of England, as monarch of Britain. We presume it to be equally acknowledged and notorious, that fealty and homage are due by the King of Scots to the King of England, upon the principle that it becomes a vassal to pay such homage to his superior and overlord ; and that from times of so remote antiquity that they exceed the memory of man, even to the present day, we and our progenitors, Kings of England, have possessed such rights, and you and your ancestors have acknowledged such a dependence. Wherefore, such being the case, whence comes it that the subject hath not scrupled insolently to erect his neck against his master ? and what, think ye, ought to be his punishment, when he spurns the condition and endeavours to compass the destruction of his person ? With what sentence is treason generally visited ? or have you lived so ignorant of all things as not to be aware of the penalties which await the rebel, and him who is so hardy as to deny his homage to his liege superior ? If so, we would

<sup>1</sup> Rymer, *Fœdera*, vol. xi. p. 383.

exhort you speedily to inform yourself upon the matter, lest the lesson should be communicated by the experience of your own person, rather than by the information of others. To the letters which have been presented to us by a certain person, calling himself your lion-herald and king-at-arms, and which are replete with all manner of folly, insolence, and boasting, we make this brief reply: it hath ever been the custom of those who fight rather by deceit than with open arms, to commit an outrageous attack, in the first instance, and then to declare war; to affect innocence, and shift their own guilt upon their neighbours; to cover themselves with the shadow of peace and the protection of truces, whilst beneath this veil they are fraudulently plotting the ruin of those they call their friends. To such persons, whose machinations we cordially despise, it seems to us best to reply by actions. The repeated breaches of faith, therefore, which we have suffered at your hands; the injury, rapine, robbery, and insolence, which have been inflicted upon us, contrary to the rights of nations, and in defiance of the faith of treaties, shall be passed over in silence rather than committed to writing; for we esteem it unworthy of our dignity to attempt to reply to you in your own fashion by slanders and reproaches. We would desire, however, that, in the mean season, you should not be ignorant that, instead of its having the intended effect of inspiring us with terror, we do most cordially despise this vain confidence and insolent boasting, in which we have observed the weakest and most pusillanimous persons are generally the greatest adepts; and that you should be aware that it is our firm purpose, with the assistance of the Almighty, to put down and severely chastise all such insolent rebellions, and arrogant attempts, which it

hath been your practice contumeliously to direct against us. Wishing, nevertheless, with that charity which becomes a Christian prince, that it may please our Lord Jesus Christ to reclaim you from error into the paths of justice and truth, and to inspire you for the future with a spirit of more enlightened judgment and counsel, we bid you farewell."<sup>1</sup>

It does not appear that the king took any notice of this singular specimen of diplomatic insolence, in which, with an amusing inconsistency, the writer condemns the error into which he falls himself; but it is evident, from the preparations appointed to be made by the parliament, which assembled at Edinburgh, during the course of the same year, on the 4th of August, and afterwards on the 13th of October, that it had been preceded, and it was certainly followed, by serious hostilities upon the borders. The particulars of these conflicts on the marches do not, however, appear in the later historians of the times, or in the pages of the contemporary chronicles; and although carried on with all the desolating fury which distinguished the warfare of the marches, they led to no important results, and were soon after intermitted, in consequence of the partial recovery of health by Henry the Sixth; a circumstance which removed the Duke of York from the office of protector, and for a while deprived him of the supreme power in the state. The Earl of Douglas, however, continued still in England, animated by the bitterest resentment against James, and exerting every effort to organize a force sufficiently strong to enable him to invade the kingdom from which he had been so justly expelled. His success in this treasonable object, although ultimately of so alarming a nature as once

<sup>1</sup> Rymer, *Fœdera*, vol. xi. p. 383.

more to threaten the tranquillity of the kingdom, was counteracted for the present by the revival of the influence of the Duke of Somerset, which had ever been favourable to Scotland; and the measures adopted by the parliament for strengthening the authority of the crown, and increasing the defensive force of the kingdom, were well calculated to render abortive the utmost attempts of its enemies.

With regard to the first of these objects, it would be difficult to explain the intentions of the legislature in a more forcible manner than in the words of the statute itself. It declared, that "since the poverty of the crown is oftentimes the cause of the poverty of the realm, and of many other inconveniences which it would be tedious to enumerate, it had been ordained, by the advice of the full council of parliament, that there should be, from this time, appointed certain lordships and castles in every part of the realm, where, at different periods of the year, the sovereign may be likely to take up his residence, which were to belong in perpetuity to the crown, never to be settled or bestowed, either in fee or franctenure, upon any person whatever, however high his rank or estate, except by the solemn advice and decree of the whole parliament, and under circumstances which affected the welfare and prosperity of the kingdom." For the additional security of the crown lands, it was further declared, "that even if the present monarch, or any of his successors, should alienate or convey away to any person the lordships and castles which were the property of the crown, such a transaction being contrary to the will of parliament, should not stand good in law; but that it should be permitted to the king, for the time being, to resume these lands into his own hands without the solemnity of any intervening process of law; and not only to

resume them, but to insist that those who had unjustly occupied these royal estates should refund the whole rents and profits which they had received, till the period of their resumption by the crown." It was lastly enacted, "that the present king and his successors should be obliged to take an oath, that they shall keep this statute and duly observe it in every particular."<sup>1</sup> There was added to this enactment, a particular enumeration of the crown lands and revenue. In the light which it throws on the history of the constitution, at a period when the crown was struggling for existence against the growing power of the aristocracy, it is too interesting to be passed over.

The first article in this enumeration is, the sum arising from the whole customs of Scotland, which were in the hands of James the First on the day of his death; it being, however, provided, that those officers whose pensions were payable out of the customs should receive compensation from some other source. After this follows the specific enumeration of the crown lands, beginning with the lordship of Ettrick forest, and the whole lordship or principality of Galloway, along with the castle of Thrieve. These two great accessions of territory, which were now annexed to the crown, had long formed one of the richest and most populous portions of the forfeited estates of the house of Douglas. Next, we find the castle of Edinburgh, with the lands of Ballincreif and Gosford, together with all other estates pertaining to the king within the sheriffdom of Lothian: also, the castle of Stirling, with all the crown lands around it; the castle of Dunbarton, with the lands of Cardross, Roseneath, and the pension from Cadyow, with the pension of the "ferme meill" of Kil-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

patrick ; the whole earldom of Fife, with the palace of Falkland ; the earldom of Strathern, with the rights belonging to it ; the house and lordship of Brechin, with the services and superiority of Cortachy ; the castles and lordships of Inverness and Urquhart, with the water-mails or rents due for the fishings of Inverness ; the lordship of Abernethy, and the several baronies of Urquhart, Glenorchane, Bonnechen Bonochar, Annache, Edderdail, otherwise called Ardmanache, Pecty, Brachly, and Strathern ; and, lastly, the Redcastle, with the lordships in the county of Ross which are attached to it. It was also particularly provided, that all regalities, which at present belonged to the king, should be indissolubly annexed to the crown lands, and that in time to come, no erection of regalities should take place without the advice of the parliament.<sup>1</sup>

Other measures of the same parliament had an evident reference to the increasing the authority of the crown. It was ordained, that, for the future, the wardenry of the borders, an office of the utmost power and responsibility, should cease to be hereditary ; that the wardens should have no jurisdiction in cases of treason, except where such cases arose out of an infraction of the truce ; and that no actions or pleas in law should be brought into the court of the warden, but ought to be prosecuted before the justice ayre. The situation of warden had long been esteemed the inalienable property of the house of Douglas, and its abolition as a hereditary dignity was the consequence of the late rebellion. But the able ministers who at this time directed the king's councils, were not satisfied with cutting down the exorbitant power of the warden.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 42, 43.

The blow was wisely aimed against the principle which made any office whatever a hereditary fee; and it was declared that, in all time to come, no office should be given in fee or heritage, whilst such as had been so disposed of since the death of the late king, were revoked and abolished, due care being taken that any price or consideration which had been advanced by the incumbent, should be restored. From the operation of this excellent statute, an exception was made in favour of the wardenry of the march, which the king had bestowed on his son Alexander earl of March and lord of Annandale.<sup>1</sup> A few other statutes, enacted in this same parliament, deserve attention. He who arrested any false coiner, and brought him to the king, was to have ten pounds for his labour, and the escheat of the offender. Sornars<sup>2</sup> were to be punished as severely as thieves or robbers; and for the settlement of those inferior disputes which were perpetually occurring between the subjects of the burghs of the realm, it was provided, that the privy council should select eight or twelve persons, according to the size of the town, to whose decision all causes not exceeding the sum of five pounds were to be intrusted.

A curious statute followed on the subject of dress, which is interesting from its minuteness. It declared, that with regard to the dresses to be worn by earls, lords of parliament, commissaries of burghs, and advocates, at all parliaments and general councils, the earls should take care to use mantles of "brown granyt," open in the front, furred with ermine, and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 43.

<sup>2</sup> An expressive Scottish word, meaning a stout armed vagrant, who insists on taking up his quarters for an indefinite period, at the various houses he visits.



lined before with the same, surmounted by little hoods of the same cloth, to be used for the shoulders. The other lords of parliament were directed to have a mantle of red cloth, open in front, and lined with silk, or furred with "Cristy gray, grece, or purray, with a hood furred in the same manner, and composed of the same cloth;" whilst all commissaries of burghs were commanded to have a pair of cloaks, — such is the phrase made use of, — of blue cloth, made to open on the right shoulder, to be trimmed with fur, and having hoods of the same colour. If any earl, lord of parliament, or commissary, appeared in parliament, or at the general council, without this dress, he was to pay a fine of ten pounds to the king. All men of law employed and paid as "forespeakers," were to wear a dress of green cloth, made after the fashion of a "tunycill," or little tunic, with the sleeves open like a tabard, under a penalty of five pounds to the king, if they appeared either in parliament or at general councils without it; and in every burgh where parliament or general councils were held, it was directed that there be constructed "where the bar uses to stand," a platform, consisting of three lines of seats, each line higher than the other, upon which the commissaries of the burghs were to take their places.<sup>1</sup>

At a prorogued meeting of the same parliament, held at Stirling on the 13th of October, regulations were made for the defence of the kingdom against any sudden invasion of the English, which explain the system of transmitting information by beacons adopted in those early times, in an interesting manner. At the different fords or passages of the Tweed be-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 43.

tween Roxburgh and Berwick, where it was customary for the English forces to cross the river, certain watchmen were stationed, whose duty it was to light a bale-fire, or beacon, the moment they received word of the approach of an enemy. It was to be so placed as to be seen at Hume castle, and to this station the watchmen were instantly to repair. The beacon fires were to be regulated in the following manner: One fire was understood to signify that an enemy was reported to be approaching,—two fires that they were coming for certain,—by four fires, lighted up at once, and each beside another, like four "*candellis, and all at ayns*,"<sup>1</sup> to use the homely language of the statute, it was to be understood that the invading army was one of great strength and power. The moment that the watchmen stationed at Eggerhope (now Edgerton) castle descried the beacon at Hume, they were commanded to light up their bale-fire; and the moment the men stationed at Soutra Edge descried the Eggerhope fire, they were to answer it by a corresponding beacon on their battlements; and thus, fire answering to fire, from Dunbar, Haddington, Dalkeith, all Lothian was to be roused as far as Edinburgh castle. At Edinburgh, four beacons were instantly to be lighted to warn the inhabitants of Fife, Stirling, and the eastern part of Lothian. Beacons were also directed to be kindled on North Berwick Law, and Duncpender Law, to warn the coast side of the sea: it being understood that all the fighting men on the west side of Edinburgh should assemble in that city; and all to the east of it, at Haddington; whilst all merchants and burghers were directed to join the host as it passed through their respective communities.

<sup>1</sup> All at once.

By another statute of the same parliament, two hundred spearmen and two hundred bowmen were ordered to be maintained, at the expense of the border lords, upon the east and middle marches; whilst, upon the west marches, there was to be kept up a force of one hundred bows and one hundred spears; the border lords and barons being strictly enjoined to have their castles in good repair, well garrisoned, and amply provided with military stores, whilst they themselves were to be ready, having assembled their vassals at their chief places of residence, to join the warden, and pass forward with the host wherever he pleased to lead them.<sup>1</sup>

Some other statutes are worthy of notice, as illustrating the state of the borders, and the manners of the times. It was directed, that when a warden raid took place, meaning an invasion of England by the lord warden in person, or when any other chieftain led his host against the enemy, no man was to be permitted, under pain of death, and forfeiture of his whole goods, to abstract any part of the general booty, until, according to the ancient custom of the marches, it had been divided into three parts, in presence of the chief leader of the expedition: any theft of the plunder or the prisoners belonging to the leaders or their men; any supplies furnished to the English garrisons of Roxburgh or Berwick; any warning given to the English of a meditated invasion by the Scots; any private journey into England, without the king's or the warden's safe-conduct, was to be punished as treason, with the loss of life and estate; and it was strictly enjoined upon the principal leaders of any raids into England, that they should cause

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

these directions of the parliament to be communicated to their host previous to the expedition, so that none might allege ignorance of the law as an excuse of its violation.<sup>1</sup>

Amid these wise endeavours to strengthen the power of the crown, and to provide for the security of the kingdom, James was surprised by the arrival at court of two noble ladies, who threw themselves upon his protection. These were the Countess of Douglas, known before her marriage by the name of the Fair Maid of Galloway; and the Countess of Ross, a daughter of the once powerful house of Livingston.<sup>2</sup> The first had been miserable in her marriage with that Earl of Douglas who had fallen by the king's hand in Stirling castle, and equally wretched in her subsequent unnatural union with his brother, at this moment a rebel in England. Profiting by his absence, she now fled to the court of the king, representing the cruelty with which she had been treated both by the one and the other. She was not only welcomed with the utmost kindness and courtesy, but immediately provided with a third husband, in the king's uterine brother, Sir John Stewart, son of his mother by her second husband, the Black Knight of Lorn. In what manner her marriage with Douglas was dissolved does not appear; but it is singular that she had no children by either of her former husbands. Her third lord, to whom she bore two daughters,<sup>3</sup> was soon afterwards created Earl of Athole, and enriched by the gift of the forfeited barony of Balveny. To the Countess of Ross, the wife of the rebel earl of that name, and to

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 44, 45.

<sup>2</sup> Buchanan, book xi. chap. xlv.

<sup>3</sup> Her two daughters were Lady Janet, married to Alexander earl of Huntley; and Lady Catherine, to John, sixth Lord Forbes.

whom her husband's treason appears to have been as distasteful as to the consort of the Earl of Douglas, James, with equal readiness, extended the royal favour, and assigned her a maintenance suited to her rank ;<sup>1</sup> whilst not long after, a third noble female, his sister, the Princess Annabella, arrived from the court of the Duke of Savoy. She had been betrothed to Louis, the second son of the Duke of Savoy ; but, at the request of the King of France, and on payment of the sum of twenty-five thousand crowns, James consented to a dissolution of the intended marriage ; and, on her return to Scotland, she became the wife of the first Earl of Huntley.<sup>2</sup>

Disengaged from these minor cares, the king found himself soon after involved in a negotiation requiring greater delicacy in its management, and which, if abortive, might have been productive of consequences prejudicial to the kingdom. It arose out of a complaint transmitted to the Scottish court by Christian king of Norway, upon the subject of the money due by the King of Scotland for the Western Isles and the kingdom of Man, in virtue of the treaty concluded in 1426 between James the First and Eric king of Norway. This treaty itself was only a confirmation of the original agreement, by which, nearly two hundred years before, Alexander the Third had purchased these islands from Magnus, then King of Norway ; and Christian now remonstrated, not merely on the ground that a large proportion of arrears was due, but that one of his subjects, Biorn son of Thorleif, the Lieutenant of Iceland, having been driven by a storm into a harbour in the Orkneys, had been seized by the Scottish authorities, contrary to the faith of treaties, and cast, with

<sup>1</sup> Mag. Sig. vii. 371. 8th February, 1475.

<sup>2</sup> Mag. Sig. v. 91. 1st March, 1459.

his wife and his attendants, into prison.<sup>1</sup> Happily, after some correspondence upon these points, instead of an appeal to arms, the parties adopted the expedient of referring all differences to the decision of Charles the Seventh, their mutual friend and ally; who, after various delays, pronounced his final decision at a convention of the commissioners of both kingdoms, which was not held till four years after this period, in 1460.

In the meantime, in consequence of the re-establishment of the influence of the house of Lancaster, by the restoration of Henry the Sixth, and his queen, a woman of masculine spirit, affairs began to assume a more favourable aspect on the side of England; and the King of Scotland having despatched the Abbot of Melrose, Lord Graham, Vans dean of Glasgow, and Mr George Fala burgess of Edinburgh, as his commissioners to the English government, a truce between the two countries was concluded, which was to last till the 6th of July, 1459.<sup>2</sup> This change, however, in the administration of affairs in England, did not prevent the Earl of Douglas, who, during the continuance of the power of the Yorkists, had acquired a considerable influence in that country, from making the strongest efforts to regain the vast estates of which he had been deprived, and to avenge himself on the sovereign whose allegiance he had forsworn. He accordingly assembled a force in conjunction with the Earl of Northumberland, and breaking across the border, wasted the fertile district of the Merse in Berwickshire, with the merciless fury of a renegade. After a course of plunder and devastation, which, without securing the confidence of his new friends, made him detested by his countrymen, he was met, and totally

<sup>1</sup> Torfæi Orcades, p. 184.

<sup>2</sup> Rymer, *Fœdera*, vol. xi. p. 389-390.

defeated, by the Earl of Angus, at the head of a division of the royal army: nearly a thousand of the English were slain, seven hundred taken prisoners, and Douglas, once more driven a fugitive into England, found himself so effectually shorn of his power, and limited in his resources, that he remained perfectly inoffensive during the remainder of this reign.<sup>1</sup> •

The lordship of Douglas, and the wide domains attached to this dignity, were now, in consequence of his important public services, conferred upon the Earl of Angus, a nobleman of great talents and ambition, connected by his mother, who was a daughter of Robert the Third, with the royal family, and inheriting by his father, George first earl of Angus, a son of the first earl of Douglas, the same claim to the crown through the blood of Baliol, which we have already seen producing a temporary embarrassment upon the accession of Robert the Second, in the year 1370.<sup>2</sup> Upon the acquisition by Angus of the forfeited estates of Douglas, the numerous and powerful vassals of that house immediately attached themselves to the fortunes of this rising favourite, whom the liberality of the king had already raised to a height of power almost as giddy and as dangerous as that from which his predecessor had been precipitated. Apparent, however, as were the dangerous consequences which might be anticipated from this policy, we must blame rather that miserable feudal constitution under which he lived, than censure the monarch who was compelled to accommodate himself to its principles. The only weapons by which a feudal sovereign could overwhelm a noble

<sup>1</sup> The MS. Chronicle in the Library of the University of Edinburgh dates this conflict, October 23, 1458.

<sup>2</sup> See *supra*, vol. ii. pp. 321, 322. Duncan Stewart's Account of the Royal Family of Scotland, p. 62.

whose strength menaced the crown, were to be found in the hands of his brethren of the aristocracy ; and the only mode by which he could insure their co-operation in a struggle, which, as it involved in some degree an attack upon their own rights, must have excited their jealousy, was to permit them to share in the spoils of his forfeiture.

Some time previous to this conclusive defeat of Douglas, the parliament had again assembled at Edinburgh ; when, at the desire of the king, they took into consideration the great subjects of the defence of the country, the regulations of the value of the current coin, the administration of justice, and the establishment of a set of rules, which are entitled, “ concerning the governance of the pestilence ;” a dreadful scourge, which now, for the fifth time, began to commit its ravages in the kingdom. Upon the first head, it was provided, that all subjects of the realm possessed of lands or goods, should be ready, mounted and armed, according to the value of their property, to ride for the defence of the country, the moment they received warning, either by sound of trumpet or lighting of the beacon ; that all manner of men between the ages of sixteen and sixty, should hasten to join the muster, on the first intelligence of the approach of an English host, except they were in such extreme poverty as to be unable to furnish themselves with weapons. Every yeoman, however, worth twenty marks, was to furnish himself at the least with a jack and sleeves down to the wrist, or, if not thus equipt, with a pair of splents, a *sellat*,<sup>1</sup> or a prikit hat, a sword and buckler, and a bow and sheaf of arrows. If unskilled in archery, he was to have an axe and a targe, made either of leather or

<sup>1</sup> A helmet, or head-piece for foot soldiers.



of fir, with two straps in the inside. Warning was to be given by the proper officers, to the inhabitants of every county, that they provide themselves with these weapons, and attend the weapon-schawing, or armed muster, before the sheriffs, bailies, or stewards of regalities, on the morrow after the "lawe days after Christmas." The king, it was next declared, ought to make it a special request to some of the richest and most powerful barons, "that they make carts of war; and in each cart place two guns, each of which was to have two chambers, to be supplied with the proper warlike tackling, and to be furnished also with a cunning man to shoot them. And if," it was quaintly added, "they have no skill in the art of shooting with them, at the time of passing the act, it is hoped that they will make themselves master of it before they are required to take the field against the enemy."<sup>1</sup>

With regard to the provisions for defence of the realm upon the borders during the summer season, the three estates declared it to be their opinion, that the borderers did not require the same supplies which were thought necessary when the matter was first referred to the king, because this year they were more able to defend themselves than in any former season; first, it was observed they were better, and their enemies worse provided than before; secondly, they were certain of peace, at least on two borders, till Candlemas. On the west borders, it was remarked, the winter was seldom a time of distress, and the English would be as readily persuaded to agree to a special truce from Candlemas till "Wedderdais," as they now did till Candlemas; considering also, that during this last summer, the enemy have experienced

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 45.

great losses, costs, and labour in the war, and as it is hoped, will have the same in summer, which is approaching. The English, it was said, had been put to far more labour and expense, and had suffered far greater losses in the war this last summer than the Scottish borderers. It was therefore the opinion of the three estates, that the borderers should, for the present, be contented without overburdening the government by their demands; and if any great invasion was likely to come upon them, the parliament recommended that the midland barons should be ready to offer them immediate supplies and assistance.<sup>1</sup>

Upon the subject of the pestilence, the great object seems to have been to prevent contagion, by shutting up the inhabitants both of town and country, for a certain season, within their houses. The clergy, to whom the consideration of the most difficult matters of state policy appears to have been at this period invariably committed, were of opinion, in the words of the statute, "that no person, either dwelling in burgh, or in the upland districts, who had provision enough to maintain himself and his followers or servants, should be expelled from his own house, unless he will either not remain in it," or may not be shut up in the same. And should he disobey his neighbours, and refuse to keep himself within his residence, he was to be compelled to remove from the town. Where, however, there were any people, neither rich enough to maintain themselves nor transport their families forth of the town, the citizens were directed to support them at their own expense, so that they did not wander away from the spot where they ought to remain, and carry infection through the kingdom, or

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 45.

“fyle the cuntre about thame.” “And if any sick folk,” it was observed, “who had been put forth from the town, were caught stealing away from the station where they had been shut up,” the citizens were commanded to follow and bring them back again, punishing them for such conduct, and compelling them to remain in durance. It was directed by the same statute, that no man should burn his neighbours’ houses, meaning the mansions which had been deserted as infected, or in which the whole inhabitants had died, unless it could be done without injury to the adjoining healthy tenements ; and the prelates were commanded to make general processions throughout their dioceses twice in the week, for the stanching of the pestilence, and “to grant pardon” (by which word possibly is meant indulgences) to the priests who exposed themselves by walking in these processions.<sup>1</sup>

With regard to the important subject of the money and coinage of the realm, it will be necessary to look back, for a moment, to the provisions of the parliament held at Stirling a few years before this period, which were then purposely omitted, that the state of the coinage under this reign, and the principles by which it was regulated, might be brought under the eye in a connected series.

We find it first declared in a public paper, entitled, *The Advisement of the Deputes of the Three Estates, touching the Matter of the Money*, that, on many accounts, it was considered expedient there should be an issue of a new coinage, conforming in weight to the money of England. Out of the ounce of burnt or refined silver, or bullion, eight groats were to be coined, and smaller coins of half groats, pennies, half-pennies,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 46.

and farthings, of the same proportionate weight and fineness. The new groat was to have course for eight pence, the half groat for four pence, the penny for two pence, the half-penny for one penny, and the farthing for a half-penny. It was also directed that the English groat, of which eight groats contained one ounce of silver, should be reckoned of the value of eight pence the piece; that the English half-groat, agreeing in weight to the same, should be taken for four pence, and that the English penny should only be received for such value as the receiver chooses to affix to it. From the time that this new groat was struck, and a day appointed for its issue, the groat now current was to descend in its value to four pence, and the half-groat to two pence, till which time they were to retain the value of the new money. It was next directed by the parliament, that there should be struck a new penny of gold, to be called "a lion," with the figure of a lion on the one side, and on the reverse, the image of St Andrew, clothed in a side-coat, reaching to his feet, which piece was to be of an equal weight with the half English noble, otherwise it should not be received in exchange by any person, — the value of which lion, from the time it was received into currency, was to be six shillings and eight pence of the new coinage, and the half-lion three shillings and four pence. After the issue of the new coinage, the piece called the demy, which, it was declared, had now a current value of nine shillings, was to be received only for six shillings and eight pence, and the half-demy for three shillings and four pence.<sup>1</sup>

<sup>1</sup> The exact value of the foreign coins then current in Scotland was fixed at the same time; the French real being fixed at six shillings and eight pence; the salute, which is of the same weight as the new lion, at the same rate of six shillings and eight pence; the French crown, now current in France, having on each side of the shield a crowned

The master of the mint was made responsible for all gold and silver struck under his authority, until the warden had taken assay of it, and put it in his store; nor was any man to be obliged to receive this money should it be reduced by clipping; the same master having full power to select, and to punish for any misdemeanour, the coiners and strikers who worked under him, and who were by no means to be goldsmiths by profession, if any others could be procured.<sup>1</sup>

Such were the regulations regarding the current money of Scotland, which were passed by the Scottish parliament in 1451; but it appears that, in the interval between this period and the present year, 1456, the value affixed to the various coins above mentioned, including those of foreign countries as well as the new issue of lions, groats, and half-groats, had been found to be too low; so that the merchants and traders discovering that there was actually more bullion in the money than the statutory value fixed by parliament, kept it up and made it an article of export. That such was the case, appears evident from the expressions used by the parliament of 1456 with regard to the pieces called demys, the value of which we have seen fixed in 1451 at six shillings and eight pence. "And to the intent," it was remarked, "that the demys which are kept in hand should 'come out,' and have course through the realm, and remain within it, instead of being carried out of it, the parliament judged it expedient that the demy be cried to ten shillings."

fleur-de-lys, the Dauphin's crown, and the Flemish ridar, are, in like manner, to be estimated at the same value as the new lion. The English noble was fixed at thirteen shillings and four pence; the half-noble at six shillings and eight pence; the Flemish noble at twelve shillings and eight pence; and all the other kind of gold not included in the established currency was to have its value according to the agreement of the buyer and seller.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 39, 40.

Upon the same principle, and to prevent the same occurrence, which was evidently viewed with alarm by the financiers of this period, a corresponding increase of the value of the other current coins, both of foreign countries and of home coinage, above that given them in 1451, was fixed by the parliament of 1456. Thus, the Henry English noble was fixed at twenty-two shillings; the French crown, Dauphin's crown, salute, and Flemish ridars, which had been fixed at six shillings and eight pence, were raised, in 1456, to eleven shillings; the new lion, from its first value of six shillings and eight pence, was raised to ten shillings; the new groat from eight pence to twelve pence; the half-groat from four pence to six pence. In conclusion, the lords and auditors of the exchequer were directed by the same parliament to examine with the utmost care, and make trial of the purity of the gold and silver, which was presented by the warden of the mint.<sup>1</sup>

It was provided, that, in time of fairs and public markets, none of the king's officers were to take distress, or levy any tax, upon the goods and wares of so small a value and bulk as to be carried to the fair either on men's backs, in their arms, or on barrows and sledges. On the other hand, where the merchandise was of such value and quantity, that it might be exposed for sale in great stalls, or in covered "*cramys*" or booths, which occupied room in the fair, a temporary tax was allowed to be levied upon the proprietors of these, which, however, was directed to be restored to the merchant at the court of the fair, provided he had committed no trespass, nor excited any disturbance during its continuance.<sup>2</sup> The enactments of this

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 46.

<sup>2</sup> Ibid. p. 47.

parliament upon the subject of the administration of justice, were so completely altered or modified in a subsequent meeting of the estates, that at present it seems unnecessary to advert to them.

In the meanwhile, the condition of the kingdom evidently improved, fostered by the care of the sovereign, whose talents, of no inferior order, were daily advancing into the strength and maturity of manhood. Awake to the infinite superiority of intellect in the clergy over the warlike but rude and uninformed body of his nobles, it was the wise policy of James to select from them his chief ministers, employing them in his foreign negotiations and the internal administration of the kingdom, as far as it was possible to do so without exciting resentment in the great class of his feudal barons. It was the consequence of this system, that a happy understanding, and a feeling of mutual affection and support, existed between the monarch and this numerous and influential class, so that, whilst the king maintained them in their independence, they supported him in his prerogative. Thus, at a provincial council which was convoked at Perth, where Thomas bishop of Aberdeen presided as *conservator statutorum*, it was declared, in opposition to the doctrine so strenuously insisted on by the Holy See, that the king had an undoubted right, by the ancient law and custom of Scotland, to the ecclesiastical patronage of the kingdom, by which it belonged to him to present to all benefices during the vacancy of the see. Whilst James, however, was thus firm in the assertion of those rights which he believed to be the inalienable property of the crown, he was careful to profess the greatest reverence in all spiritual matters for the authority of the Holy See; and, on the accession of Pius the Second, the celebrated Æneas Sylvius, to the papal crown, he

appointed commissioners to proceed to Rome, and perform his usual homage to the sovereign pontiff.<sup>1</sup>

It was about this same time that the crown received a valuable addition to its political strength, in the annexation of the earldom of Mar to the royal domains. Since the period of the failure of the heir-male in 1435, in the person of Alexander Stewart, natural son of the earl of Buchan, brother of Robert the Third, this wide and wealthy earldom had been made the subject of litigation, being claimed by the crown, as *ultimus hæres*, by Robert lord Erskine, the descendant of Lady Ellen Mar, sister of Donald, twelfth Earl of Mar, and by Sir Robert Lyle of Duchal, who asserted his descent from a co-heiress. There can be no doubt that the claim of Erskine was just and legal. So completely, indeed, had this been established, that, in 1438, he had been served heir to Isabel countess of Mar; and in the due course of law, he assumed the title of Earl of Mar, and exercised the rights attached to this dignity. In consequence, however, of the act of the legislature already alluded to, which declared that no lands belonging to the king should be disposed of previous to his majority, without consent of the three estates, the earl was prevented from attaining possession of his undoubted right; and now, that no such plea could be maintained, an assize of error was assembled in presence of the king, and, by a verdict, which appears flagrantly unjust, founded upon perversions of the facts and misconstructions of the ancient law of the country, the service of the jury was reduced; and the earldom being wrested from the hands of its hereditary lord, was declared to have devolved upon the king. The transaction, in which the rights of a

<sup>1</sup> Mag. Sig. v. 82.



private individual were sacrificed to the desire of aggrandizing the crown, casts a severe reflection upon the character of the king and his ministers, and reminds us too strongly of his father's conduct in appropriating the earldom of March. It was fortunate, however, for the monarch, that the house of Erskine was distinguished as much by private virtue as by hereditary loyalty; and that, although not insensible to the injustice with which they had been treated, they were willing rather to submit to the wrong than endanger the country by redressing it. In the meantime, James, apparently unvisited by any compunction, settled the noble territory which he had thus acquired upon his third son, John, whom he created Earl of Mar.<sup>1</sup>

Soon after this, the clemency of the monarch was implored by one, who, from the course of his former life, could scarcely expect that it should be extended in his favour. John lord of the Isles and earl of Ross, a baron from his early years familiar with rebellion, and whose coalition with the Earls of Crawford and Douglas had, on a former occasion, almost shook the throne, being weakened by the death of Crawford, and the utter defeat of Douglas, became alarmed for the fate which might soon overtake him, and, by a submissive message, intreated the royal forgiveness, offering, as far as it was still left to him, to repair the wrongs he had inflicted. To this communication, the offended monarch at first refused to listen; because the suppliant, like Crawford, had not in person submitted himself unconditionally to his kingly clemency; but after a short time, James relented from the sternness of his resolution, and consented to extend to the hum-

<sup>1</sup> Sutherland Case, by Lord Hailes, chap. v. p. 50.

bled chief a period of probation, within which, if he should evince the reality of his repentance by some notable exploit, he was to be absolved from all the consequences of his rebellion, and reinstated in the royal favour. What notable service was performed by Ross history has not recorded; but his presence, three years subsequent to this, at the siege of Roxburgh, and his quiescence during the interval, entitle us to presume that he was restored to the royal favour.

The aspect of affairs in England was now favourable to peace; and Henry the Sixth, with whom the Scottish monarch had always cultivated a friendly intercourse, having proposed a prolongation of the truce, by letters transmitted under the privy seal, James immediately acceded to his wishes. A desire for the tranquillity of his kingdom, an earnest wish to be united in the bonds of charity and love with all Christian princes, and a reverent obedience to the admonitions of the pope exhorting to peace with all the faithful followers of Christ, and to a strict union against the Turks and infidels, who were the enemies of the catholic faith, were enumerated by the king as the motives by which he was actuated to extend the truce with England for the further space of four years,<sup>1</sup> from the 6th of July, 1459, when the present truce terminated. Having thus provided for his security, for a considerable period, upon the side of England, James devoted his attention to the foreign political relations of his kingdom. An advantageous treaty was concluded by his ambassadors with John king of Castile and Leon. The same statesmen to whom this negotiation was intrusted were empowered to proceed to Denmark, and adjust the differences between Scotland and the northern

<sup>1</sup> Rymer's *Fœdera*, vol. xi. p. 407.

potentate, upon the subject of the arrears due for the Western Isles and the kingdom of Man; whilst a representation was made, at the same time, to Charles the Seventh of France, the faithful ally of Scotland, that the period was now long past when the Scottish crown ought to have received delivery of the earldom of Xaintonge and lordship of Rochfort, which were stipulated to be conveyed to it in the marriage treaty between the Princess Margaret, daughter of James the First and Lewis the Dauphin of France. It appears by a subsequent record of a parliament of James the Third, that the French monarch had agreed to the demand, and put James in possession of the earldom.<sup>1</sup>

It is impossible to understand the causes, or to trace clearly the consequences, of the events which at this period occurred in Scotland, without a careful attention to the political condition of the sister country, then torn by the commencement of the fatal contest between the houses of York and Lancaster. In the year 1459, a struggle had taken place amongst these fierce competitors for the possession of supreme power, which terminated in favour of Henry the Sixth, who expelled from the kingdom his enemy, the Duke of York, with whom the Earl of Douglas, on his first flight from Scotland, had entered into the strictest friendship. Previous to this, however, the Scottish renegade baron, ever versatile and selfish, observing the sinking fortunes of York, had embraced the service of the house of Lancaster, and obtained a renewal of his English pension, as a reward from Henry for his assistance against his late ally of York. James, at the same time, and prior to the flight of York to Ireland, had despatched

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 104.

an embassy to Henry, for the purpose of conferring with him upon certain "secret matters," which of course it is vain to look for in the instructions delivered to the ambassadors; but Lesley, a historian of respectable authority, informs us that, at a mutual conference between the English and Scottish commissioners, a treaty was concluded, by which Henry, in return for the assistance to be given him by the Scottish king, agreed to make over to him the county of Northumberland, along with Durham and some neighbouring districts, which in former times, it is well known, had been the property of the Scottish crown.<sup>1</sup> We are not to be astonished that the English ambassadors, the Bishop of Durham, and Beaumont great-chamberlain of England, should have been required to keep those stipulations concealed, which, had they transpired, must have rendered Henry's government so highly unpopular; and it may be remarked that this secret treaty, which arose naturally out of the prior political connexions between James and Henry, explains the causes of the rupture of the truce, and the subsequent invasion of England by the Scottish monarch, an event which, as it appears in the narrative of our popular historians, is involved in much obscurity.

In consequence of this secret agreement, and irritated by the disturbances which the Duke of York and his adherents, in contempt of the existing truce, perpetually excited upon the Scottish borders, James, in the month of August 1459, assembled a formidable army, which, including camp followers and attendants, composing nearly one half of the whole, mustered sixty thousand strong. With this force he broke into England, and in the short space of a week won and destroyed seven-

<sup>1</sup> Lesley, *History of Scotland*, p. 29.

teen towers and castles, ravaging Northumberland with fire and sword, pushing forward to Durham, and wasting the neighbouring territories with that indiscriminate havock, which, making little distinction between Yorkists or Lancastrians, threatened to injure, rather than to assist, the government of his ally the English king.<sup>1</sup> Alarmed, accordingly, at this desolating progress, Henry despatched a messenger to the Scottish camp, who, in an interview of the monarch, explained to him that the disturbances which had excited his resentment originated solely in the insolence of the Yorkists, but that he trusted to be able to put down his enemies within a short period, without calling upon his faithful ally for that assistance which, if his affairs were less prosperous, he would willingly receive. In the meantime he besought him to cease from that invasion of his dominions, in which, however unwillingly, his friends as well as his foes were exposed to plunder, and to draw back his army once more into his own kingdom. To this demand James readily assented, and after a brief stay in England, recrossed the borders, and brought his expedition to a conclusion.<sup>2</sup>

Immediately after his retreat, an English army, of which the principal leaders were the Duke of York and the Earl of Salisbury, and which included various barons of both factions, approached the Scottish marches; but the meditated invasion was interrupted by the dissensions amongst the leaders; and a host, consisting of more than forty thousand men, fell to pieces, and dispersed without performing any thing of consequence.<sup>3</sup> To account for so singular an occurrence, it must be recollected, that at this moment a

<sup>1</sup> Auchinleck Chronicle, p. 57.

<sup>2</sup> Extracta ex MS. Chronicis Scotiæ, fol. 389, r.

<sup>3</sup> Auchinleck Chronicle, p. 57.

temporary and hollow agreement had been concluded between the Lancastrians and the Yorkists, in which, under the outward appearance of amity, the causes of mortal dissension were working as deeply as before;<sup>1</sup> so that, whilst it was natural to find the two factions attempting to coalesce for the purpose of inflicting vengeance upon the Scots, it was equally to be expected that the king and the Lancastrians, who now possessed the supreme power, should be little inclined to carry matters to extremities. A few months, however, once more saw England involved in the misery of civil war; and although Henry was totally defeated by the Earl of Salisbury, who commanded the Yorkists, in the battle of Bloreheath, yet his fortunes seemed again to revive upon the desertion of the Duke of York by his army at Ludford Field; and James, rejoicing in the success of his ally, immediately despatched his ambassadors, the Bishops of Glasgow and Aberdeen, with the Abbots of Holyrood, Melrose, and Dunfermline, and the Lords Livingston and Avondale, to meet with the commissioners of England, confirm the truces between the kingdoms, and congratulate the English monarch on his successes against his enemies.

But short was the triumph of the unfortunate Henry: and within the course of a single month the decisive victory gained by the Duke of York and the Earl of Warwick at Northampton, at once destroyed the hopes of his party, reduced himself to the state of a captive in the hands of his implacable enemies, and saw his queen and the prince his son compelled to seek a retreat in Scotland. It was now time for James seriously to exert himself in favour of his ally; and the assistance which, under a more favourable aspect of his fortunes,

<sup>1</sup> Carte, *Hist. of England*, vol. ii. pp. 760, 751.

had been deprecated, was now anxiously implored. Nor was the Scottish monarch insensible to the entreaty, or slow to answer the call. He received the fugitive queen and the youthful prince with much affection, assigned them a residence and allowance suitable to their rank ; and having issued his writs for the assembly of his vassals, and commanded the Earl of Huntley, his lieutenant-general, to superintend the organizing of the troops, he determined upon an immediate invasion of England. Previous, however, to this great expedition, which ended so fatally for the king, there had been a meeting of the three estates, which lasted for a considerable period, and from whose united wisdom and experience proceeded a series of regulations which relate almost to every branch of the civil government of the country. To these, which present an interesting picture of Scotland in the fifteenth century even in the short sketch to which the historian must confine himself, we now for a few moments direct our attention.

The first subject which came before parliament is entitled concerning the "article of the session," and related to the formation of committees of parliament for the administration of justice. It was directed that the Lords of the Session should sit three times in the year, for forty days at a time, in Edinburgh, Perth, and Aberdeen ; and that the court or committee which was to sit should be composed of nine judges, who were to have votes in the decision of causes, three being chosen from each estate, along with the clerk of the register. Their first sitting was directed to begin at Aberdeen on the 15th of June, and continue thenceforward for forty days ; the second session was to commence at Perth on the 5th of October, and the third at Edinburgh on the 13th of February. The

names of the persons to be selected from the clergy, the barons, and the burghers, as the different members of the session, were then particularly enumerated for the three several periods; and the sheriff was directed to be ready to receive them on their entry into the town, and undergo such trouble or charges as might be found necessary. In a succeeding statute, however, it was observed that, considering the shortness of the period for which the Lords of Session are to hold their court, and the probability that they will not be called upon to undertake such a duty more than once every seven years, they ought, out of their benevolence, to pay their own costs; and upon the conclusion of the three yearly sessions, the king and his council promise to select other lords from the three estates, who should sit in the same manner as the first, at such places as were most convenient.<sup>1</sup>

The next subject to which the parliament directed their attention, regarded the defence of the country, and the arming of the lieges. "Wapinschawings," or musters, in which the whole disposable force of a district assembled for their exercise in arms, and the inspection of their weapons, were directed to be held by the lords and barons, spiritual as well as temporal, four times in the year. The games of the football and the golf were to be utterly abolished. Care was to be taken, that adjoining to each parish church a pair of butts should be made, where shooting was to be practised every Sunday: every man was to shoot six shots at the least; and if any person refused to attend, he was to be found liable in a fine of two pence, to be given to those who came to the bow-marks, or "wapinschawings," for drink-money. This

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 48.



mode of instruction was to be used from Pasch to Allhallowmas; so that by the next midsummer it was expected that all persons would be ready, thus instructed and accoutred. In every head town of the shire, there were to be a good bow-maker, and "a fledger" or arrow-maker. These tradesmen were to be furnished by the town with the materials for their trade, according as they might require them; and if the parish was large, according to its size, there were to be three or four or five bow-marks set up; so that every man within the parish, who was within fifty, and past twelve years of age, should be furnished with his weapons, and practise shooting; whilst those men above this age, or past threescore, were directed to amuse themselves with such honest games<sup>1</sup> as were best adapted to their time of life, excepting always the golf and football.

There followed a minute and interesting sumptuary law, relative to the impoverishment of the realm by the sumptuous apparel of men and women; which, as presenting a vivid picture of the dresses of the times, I shall give as nearly as possible in the words of the original. It will perhaps be recollected, that in a parliament of James the First, held in the year 1429,<sup>1</sup> the same subject had attracted the attention of the legislature; and the present necessity of a revision of the laws against immoderate costliness in apparel, indicates an increasing wealth and prosperity in the country. "Seeing," it declared, "that each estate has been greatly impoverished through the sumptuous clothing of men and women, especially within the burghs, and amongst the commonalty 'to landwart,' the lords thought it speedful that restriction of such

<sup>1</sup> *Supra*, p. 66.

<sup>2</sup> *Supra*, p. 114.

vanity should be made in this manner. First, no man within burgh that lived by merchandise, except he be a person of dignity, as one of the aldermen or bailies, or other good worthy men of the council of the town, should either himself wear, or allow his wife to wear, clothes of silk, or costly scarlet gowns, or furring of mertricks;" and all were directed to take especial care "to make their wives and daughters to be habited in a manner correspondent to their estate; that is to say, on their heads short curches, with little hoods, such as are used in Flanders, England, and other countries; and as to the gowns, no woman should wear mertricks or letvis, or tails of unbefitting length, nor trimmed with furs, except on holydays."<sup>1</sup> At the same time, it was ordered, "that poor gentlemen living in the country, whose property was within forty pounds, of old extent, should regulate their dress according to the same standard; whilst amongst the lower classes, no labourers or husbandmen were to wear, on their work days, any other stuff than grey or white cloth, and on holydays, light blue, green, or red—their wives dressing correspondently, and using curches of their own making. The stuff they wore was not to exceed the price of forty pence the ell. No woman was to come to the kirk or market with her face 'mussalit,' or covered, so that she might not be known, under the penalty of forfeiting the curch. And as to the clerks, no one was to wear gowns of scarlet, or furring of mertricks, unless he were a dignified officer in a cathedral or college church, or a nobleman or doctor, or a person having an income of two hundred marks. These orders touching the dresses of the community, were to be immediately

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49. The word *letvis* is obscure.

published throughout the country, and carried into peremptory and rigorous execution."<sup>1</sup>

Other regulations of the same parliament are worthy of notice ; some of them evincing a slight approach towards liberty, in an attention to the interests of the middle and lower classes of the people, and a desire to get loose of the grievous shackles imposed by the feudal system upon many of the most important branches of national prosperity ; others, on the contrary, imposing restrictions upon trade and manufactures, in that spirit of legislative interference which, for many ages after this, retarded commercial progress, and formed a blot upon the statute book of this country, as well as of England. With regard to "feu-farms," and their leases, it was thought expedient by the parliament that the king should begin and set a good example to the rest of his barons, so that if any estate happened to be in "ward," in the hands of the crown, upon which leases had been granted, the tenants in such farms should not be removed, but remain upon the land, paying to the king the rent which had been stipulated during the currency of the lease ; and, in like manner, where any prelate, baron, or freeholder, wished to set either the whole or a part of his land in "feu-farm," the king was to be obliged to ratify such "assedations," or leases. With regard to "regalities," and the privileges connected with them, a grievance essentially arising out of the feudal system, it was declared that all rights and freedoms belonging to them should be interpreted by the strictest law, and preserved, according to the letter of their founding charter ; and that any lord of regality who abused his privileges, to

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49.

the breaking of the king's laws and the injury of the country, should be rigorously punished.<sup>1</sup>

In the same parliament, it was made a subject of earnest request to the king, that he would take into consideration the great miseries inflicted upon men of every condition, but especially upon his poor commons, by the manner of holding his itinerant chamberlain courts; and that, with the advice of his three estates now assembled, some speedy remedy might be provided. Another heavy grievance, removed at this time, was a practice which prevailed during the sitting of parliament, and of the session, by which the king's constables, and other officers, were permitted to levy a tax upon the merchants and tradesmen who then brought their goods to market, encouraged by the greater demand for their commodities. This was declared henceforth illegal, unless the right of exaction belonged to the constable "of fee," for which he must show his charter.<sup>2</sup> An attempt was made in the same parliament to abolish that custom of entering into "bands or leagues," of which we have seen so many pernicious consequences in the course of this history. It was declared, that "within the burghs throughout the realm, no bands or leagues were to be permitted, and no rising or commotion amongst the commons, with the object of hindering the execution of the common law of the realm, unless at the express commandment of their head officers;" and that no persons who dwelt within burghs should either enter into "man-rent," or ride, or "rout" in warlike apparel, with any leader except the king, or his officers, or the lord of the burgh within which they dwelt, under the penalty of forfeiting their lives, and having their goods confiscated to the king.<sup>3</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49.

<sup>2</sup> Ibid p. 50.

<sup>3</sup> Ibid.

With regard to those lawless and desperate, or, as they are termed in the act, "masterful persons, who did not scruple to seize other men's lands by force of arms, and detain them from their owners," application was directed to be instantly made to the sheriff, who, under pain of being dismissed from his office, was to proceed to the spot and expel such occupants from the ground, or, on their refusal, commit them to the king's ward; a service easily prescribed by the wisdom of the three estates, but, as they were probably well aware, not to be carried into execution, except at the peril of the life of the officer to whom it was intrusted. All persons, of every degree, barons, lords spiritual, or simple freeholders, were enjoined when they attended the justice ayres, or sheriff courts, to come in sober and quiet manner, with no more attendants than composed their daily household, and taking care, that on entering their inn or lodging, they laid their harness and warlike weapons aside, using for the time nothing but their knives; and where any persons at deadly feud should happen to meet at such assemblies, the sheriff was directed to take pledges from both, binding them to keep the peace; whilst, for the better regulation of the country at the period when justice ayres were held, and in consequence of the great and mixed multitude which was then collected together, the king's justice was commanded to search for and apprehend all masterful beggars, all idle sornars, all itinerant bards and feigned fools, and either to banish them from the country, or commit them to the common prison. Lit, or dyè, was to be "*cried up*," and no litstar or dyer was to follow the trade of a draper, or to be permitted to buy or sell cloth; whilst regarding the estate of merchandise, and for the purpose of restricting the multitude of "sailors," it was the unanimous opinion

of the clergy, the barons, and the king, that no person should be allowed to sail or trade in ships, but such as were of good reputation and ability; that they should have at the least three serplaiths of their own goods, or the same intrusted to them; and that those who traded by sea in merchandise, ought to be freemen and indwellers within burghs.<sup>1</sup>

In the same parliament, some striking regulations are met with regarding the encouragement extended to agriculture, and the state of the woods and forests throughout the country. Every man possessed of a plough and of eight oxen, was commanded to sow, at the least, each year, a firloft of wheat, half a firloft of peas, and forty beans, under the penalty of ten shillings to the baron of the land where he dwelt, as often as he was found in fault; and if the baron sowed not the same proportions of grain, peas, and beans, in his own domains, he was to pay ten shillings to the king for his own offence, and forty shillings if he neglected to levy the statutory penalty against his husbandmen. The disappearance of the wood of Scotland under the reign of James the First, and the attention of the legislature to this subject, have already been noticed.<sup>2</sup> It appears from one of the provisions of this parliament, held by his successor, that some anxiety upon this subject was still entertained by the legislature; for we find it declared that, "regarding the plantation of woods and hedges, and the sowing of broom, the lords thought it advisable that the king should advise all his freeholders, both spiritual and temporal, to make it a provision in their Whitsunday's lease, that all tenants should plant woods and trees, make hedges, and sow broom, in places best adapted, according to the nature of the farm, under

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 49.

<sup>2</sup> *Supra*, p. 77.

a penalty to be fixed by the proprietor; and that care should be taken that the enclosures and hedges were not constructed of dry stakes driven into the ground, and wattled, or of dry worked or plane boards, but of living trees, which might grow and be plentiful in the land."<sup>1</sup>

With regard to the preservation of such birds and wild fowls as "are gainful for the sustentation of man," namely, partridge, plover, wild ducks, and such like, it was declared, that no one should destroy their nests or their eggs, or slay them in moulting time when unable to fly; and that, on the contrary, all manner of persons should be encouraged, by every method that could be devised, utterly to extirpate all "fowls of reiff," such as erns, buzzards, gleds, mytalls, rooks, crows, wherever they might be found to build and harbour; "for," say the three estates, "the slaughter of these will cause the multiplication of great multitudes of divers kinds of wild fowls for man's sustentation." In the same spirit, red-fish, meaning salmon and grilse, were forbidden to be taken in close time, under a fine of forty pounds; and no manner of vessel, creel, or other contrivance, was to be used for the purpose of intercepting the spawn or smelt in their passage to the sea, under the like penalty.

Touching the destruction of the wolf, it was enjoined by the parliament, that where such animals were known to haunt, the sheriff, or the bailies of the district, should assemble the population three times in the year, between St Mark's day and Lammas, which is the time of the whelps; and whoever refused to attend the muster should be fined a wedder, as is contained in the old act of James the First on this subject. He who

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 51.

slew a wolf was to be entitled to a penny from every household in the parish where it was killed, upon bringing the head to the sheriff; and if he brought the head of a fox, he was to receive sixpence from the same officer. The well known enactment passed in the reign of James the First, against leasing-making, or the crime of disseminating false reports, by which discord might be created between the king and his subjects, was confirmed in its full extent; and the statutes of the same prince regarding the non-attendance of freeholders in parliament whose holding was under forty pounds; the use of one invariable "measure" throughout the realm; the restriction of "muir burning" after the month of March, till the corn had been cut down; and the publication of the acts of the legislature, by copies given to the sheriffs and commissaries of burghs, which were to be openly proclaimed and read throughout their counties and communities, were repeated, and declared to be maintained in full force.

The enactments of the parliament concluded by an affectionate exhortation and prayer, which it would injure to give in any words but its own: "Since," it declared, "God of his grace had sent our sovereign lord such progress and prosperity, that all his rebels and breakers of justice were removed out of his realm, and no potent or masterful party remained there to cause any disturbance, provided his highness was inclined himself to promote the peace and common profit of the realm, and to see equal justice distributed amongst his subjects; his three estates, with all humility, exhorted and required his highness so diligently to devote himself to the execution of these acts and statutes above written, that God may be pleased with him, and that all his subjects may address their prayers for him to God, and give thanks to their



heavenly Father, for his goodness in sending them such a prince to be their governor and defender."<sup>1</sup> Such was the solemn conclusion of the last parliament of James of which any material record has been preserved; for, although we have certain evidence of three meetings of the great council of the nation subsequent to this, the fact is only established by insulated charters, which convey no information of their particular proceedings. The peroration is affectionate, but marked also with a tone of honest freedom approaching to remonstrance. It might almost lead us to suspect that James's late unjustifiable proceedings, regarding the earldom of Mar, had occasioned some unquiet surmisings in the minds of his nobility, that he possibly intended to use the excuse afforded him by the reiterated rebellion of the Douglasses to imitate the designs of his father, and to attempt to complete the scheme for the suppression of the aristocracy of the kingdom, which had cost that monarch his life.

In the meantime, however, the king assembled his army. An acute writer has pronounced it difficult to discover the pretences or causes which induced James to infringe the truce;<sup>2</sup> but we have only to look to the captivity of Henry the Sixth, the triumph of the Yorkists in the battle of Northampton, and the subsequent flight of the Queen of England to the Scottish court, to account satisfactorily for the invasion. James was bound, both by his personal friendship and connexion with Henry, by a secret treaty, already alluded to, and by his political relations with France, the ally of the house of Lancaster, to exert himself for its restoration to the throne; and it has already been shown that, by the articles of the treaty, his assistance

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 52.

<sup>2</sup> Pinkerton, *Hist. of Scotland*, vol. i. p. 242.

was not to go unrewarded. As long, however, as Henry and his energetic queen had the prospect of reducing the opposition of the house of York, and, by their unassisted efforts, securing a triumph over their enemies, the invasion of the Scottish monarch would have detracted from the popularity of their party, and thrown an air of odium even over their success; but now that the king was a captive in the hands of his enemies, and his queen a fugitive in a foreign land, the assistance of James, and the fulfilment of the stipulations of the treaty, were anxiously required. The only key to the complicated understanding of the transactions of Scotland during the wars of the Two Roses, is to recollect that the hostilities of James were directed, not against England, but against the successes of the house of York.

Since the calamitous battle of Durham, and the captivity of David the Second, a period embracing upwards of a hundred years, the important frontier fortress of Roxburgh had been in the possession of England. It was now commanded by Neville lord Fauconberg,<sup>1</sup> a connexion of the Earl of Warwick, the principal supporter of the cause of the Yorkists, and James determined to commence his campaign by besieging it in person. On being joined, accordingly, by the Earl of Huntley, his lieutenant-general, and the Earl of Angus, who had risen into great estimation with his sovereign from the cordial assistance which he had given in the suppression of the rebellion of Douglas, the king proceeded across the borders, at the head of an army which was probably superior in numbers to that which he had lately conducted against England. He was joined also by the Earl of Ross,

<sup>1</sup> Ayloff's *Calendars of Ancient Charters*, p. 281.

to whom we have seen that he had extended a conditional pardon, and who, eager to prove himself worthy of an entire restoration to the royal favour, came to the camp with a powerful body of his fierce and warlike vassals.<sup>1</sup> The siege was now opened, but it was destined to receive a sudden and melancholy interruption. The king, who had carried along with the army some of those rude pieces of ordnance which began now to be employed in Scottish war,<sup>2</sup> proceeded, in company with the Earl of Angus, and others of his nobility, to examine a battery which had begun to play upon the town. Of the cannon which composed it, one was a great gun of Flemish manufacture, which had been purchased by James the First, but little employed during his pacific reign. It was constructed of longitudinal bars of iron, fixed with iron hoops, which were made tight in a very rude manner, by strong oaken wedges. This piece, from the ignorance of the engineer, had been overcharged, and as the king stood near, intently observing the direction of the guns, it unfortunately exploded, and struck the monarch with one of its massy wooden wedges in the body. The blow was followed by instant death.<sup>3</sup>

<sup>1</sup> The Auchinleck Chronicle, p. 57, says, "The yer of God, 1460, the thrid Sunday of August, King James the Secund, with ane gret oist, was at the sege of Roxburgh."

<sup>2</sup> Barbour, p. 392, informs us, that at the skirmish on the Wear, in 1327, the Scots observed two marvellous things in the English army, which were entirely new to them :

Tymmeris for helmys war the tane,  
The tothyr crakys were of weir.

These "crakys of weir" were in all probability the first attempts to use cannon ; but although Froissart asserts that, in Scotland, guns were used at the siege of Stirling, in 1339, the fact is exceedingly doubtful.

<sup>3</sup> MS. Extracta ex Chronicis Scotiæ, f. 289. "Casus iste de morte regis si dici potest, longo ante, ut fertur, preostensa est regi, per quendam Johannem Tempelman, qui fuit pater Domini Willmi Tempelman Superioris Monasterii de Cambuskenneth, qui dum gregem in Monti

having fallen upon the mortal region of the groin, and broken the thigh; whilst the Earl of Angus, who stood near, was severely wounded by the same fragment.<sup>1</sup>

An event so lamentable, which cut off their prince in the sight of his army, whilst he was yet in the flower of his strength, and in the very entrance of manhood, was accompanied by universal regret and sorrow; and perhaps there is no more decisive proof of the affection with which the nobility were disposed to regard the monarch, thus untimely snatched from them, than the first step which they adopted, in despatching a message to the court, requiring the immediate attendance of the queen, with a strict injunction to bring her eldest son, the prince, now king, along with her.<sup>2</sup> Nor was the queen-mother, although overpowered by the intelligence of her husband's death, of a character which, in the over indulgence of feminine sorrow, was likely to forget the great duties which she owed to her son. Attended by a small suite, in which were some of the prelates who formed the wisest counsellors of the deceased monarch, she travelled night and day to Roxburgh, and soon presented herself in the midst of the army, clothed in her weeds, and holding in her hand the little prince, then a boy of only eight years of age, whom, with tears, she introduced to them as their king. The sight was well calculated to arouse to a high pitch the feelings of loyalty and devotedness; and availing herself of the enthusiasm of the moment, she, with a magnanimity and vigour which did her honour, besought the nobles to continue the siege, and earnestly deprecated the idea

bus Ochillia." Here the manuscript abruptly breaks off without concluding the tale of wonder.

<sup>1</sup> Lesley, Hist. p. 31.

<sup>2</sup> Auchinleck Chronicle, p. 57.

of breaking up the leaguer, or disbanding the army, before they had made themselves masters of a fortress the possession of which was of the first importance to Scotland. Heart-broken as she was with the loss of her beloved lord, she would rather celebrate his obsequies, she said, by the accomplishment of a victory which he had so much at heart, than waste the time in vain regrets and empty lamentations. And such was the effect of her appeal, that the leaders of the army, and the soldiers themselves, catching the ardour with which she was animated, instantly recommenced the attack, and, pressing the assault with the most determined fury, carried the castle by storm, on the very day of her arrival in the camp.<sup>1</sup>

It must be recollected that James had not completed his thirtieth year when he met his death in this untimely manner; and of course the greater portion of his life and reign was occupied by a minority, during which the nation was in that state of internal disorganization so lamentably frequent where such an event occurs under a feudal government. Taking this into consideration, we need not hesitate to pronounce him a prince of unusual vigour and capacity; and perhaps the eulogium of Buchanan, no obsequious granter of praise to kings, is one of the strongest proofs of this assertion. His wisdom in the internal administration of his kingdom was conspicuously marked by the frequency with which he assembled his parliament; and by a series of zealous and anxious, if not always enlightened, laws for the regulation of the commerce, and the encouragement of the agriculture of the country; for the organization of the judicial departments, and the protection of the middling and lower classes of his subjects, whether

<sup>1</sup> Lealey, Hist. p. 32.

farmers, artisans, or merchants. His genius in war was not exhibited in any great military triumphs, for he was cut off in the outset of his career: but the success with which he put down, by force of arms, the repeated rebellions of some of the most powerful of his nobility; the attention which he paid to the arming of his subjects, and the encouragement of warlike exercises amongst the people; his directions to his higher nobles to devote themselves to the study of artillery, and the construction of cannon; and the ardour with which he appears to have engaged in his first war with England, although it does not justify the hyperbolical panegyric of Abercromby and Johnson, entitles us to believe, that in a military contest with England, the national honour would not have been sullied in his hands. It is not improbable, however, that had he lived a little longer, his maturer wisdom and experience would have considered even a successful war, which was not undertaken for the purposes of national defence, a severe calamity rather than a subject of glory or congratulation.

His policy of employing the most able and enlightened amongst the clergy as his chief ministers, to whom he intrusted his foreign negotiations, as well as the chief offices in the judicial and financial departments of the government, was borrowed from the example of his father, but improved upon, and more exclusively followed, by the wisdom of the son; whilst his discrimination in selecting for the military enterprises in which he was engaged, such able commanders as Huntley and Angus, and that judicious union of firmness and lenity by which he ultimately disarmed of their enmity, and attached to his interest, such fierce spirits as the Earl of Crawford and the Lord of the Isles, do equal honour to the soundness of his judg-

ment, and to the kindly feelings of his heart. That he was naturally of a violent and ungovernable temper, the unjustifiable assassination of Douglas too lamentably demonstrated; but the catastrophe appears to have made the deepest impression upon a youthful mind, which, though keen, was of an affectionate temperament, fitted to feel deeply the revulsion of remorse; and the future lenity of a reign fertile in rebellion, is to be traced perhaps to the consequences of his crime, and the lessons taught him by his repentance.

In estimating his character, another subject for praise is to be found in the skill with which he divided into separate factions an aristocracy which, under any general or permanent combination, would have been far too powerful for the crown; in the art by which he held out to them the prospect of rising upon the ruins of their associates in rebellion, and, by a judicious distribution of the estates and the dignities which were set afloat by treason, induced them to destroy, or at least to weaken and neutralize, the strength of each other. This policy, under the management of such able ministers as Kennedy and Crichton, was his chief instrument in carrying to a successful conclusion one of his most prominent enterprises, the destruction of the immense and overgrown power of the house of Douglas, an event which is in itself sufficient to mark his reign as an important era in the history of the country.

The person of this prince was robust, and well adapted for those warlike and knightly exercises in which he is said to have excelled. His countenance was mild and intelligent, but deformed by a large red mark on the cheek, which has given him, amongst contemporary chronicles, the surname of "James with

the fiery face." By his queen he left three sons,—James, his successor, Alexander duke of Albany, and John earl of Mar; and two daughters,—Mary, who took to her first husband Lord Boyd, and afterwards Lord Hamilton, and Margaret, who married Sir William Crichton, son of the chancellor. From a charter, which is quoted by Sir James Balfour, it would appear that he had another son, named David, created Earl of Moray, who, along with a daughter, died in early infancy.<sup>1</sup>

<sup>1</sup> Sir Lewis Stewart's MS. Collections, Ad. Library, and Extracta ex Chronicis Scotiæ, MS. Ad. Library, f. 288.



## CHAP. IV.

## JAMES THE THIRD.

1460—1488.

## CONTEMPORARY PRINCES.

*Kings of England.*

Henry VI.  
Edward IV.  
Edward V.  
Richard III.  
Henry VII.

*Kings of France.*

Charles VII.  
Lewis XI.

*Popes.*

Pius II.  
Sixtus IV.  
Innocent VIII.

SCOTLAND, once more exposed to the danger and the woe pronounced upon the nation whose king is a child, was yet entitled to expect a pacific commencement of the minority, from the wisdom and experience of the queen-mother, the apparent union amongst the nobility, and the sage counsels of the chief ministers of the late king, who, from attachment to the father, were likely to unite for the support of the son. Immediately after the surrender of the fortress of Roxburgh, which was dismantled, and the demolition of Wark castle, which had been stormed by another division of the army, the further prosecution of the war was intermitted, and the nobility conducted their monarch, then only eight years old, to the monastery of Kelso, where he was crowned with the accustomed pomp and solemnity, more than a hundred knights being made, to commemorate the simultaneous entrance of the prince into the state of chivalry, and his

assumption of his hereditary throne.<sup>1</sup> The court then removed to Edinburgh, where the remains of the late king were committed to the sepulchre in the venerable abbey of Holyrood.<sup>2</sup>

We have already seen, that at this moment the neighbouring nation of England was torn and distracted by the wars of York and Lancaster; and the captivity of Henry the Sixth, the ally of Scotland, with the escape of his queen and her son, the prince, into that country, are events belonging to the last reign. Immediately after the royal funeral, intelligence was brought, that this fugitive princess, whose flight had lain through Wales, was arrived at Dumfries, where she had been received with honour, and had taken up her residence in the college of Lincluden. To this place, the queen-mother of Scotland, with the king and the royal suite, proceeded, and a conference took place relative to the public affairs of both kingdoms, of which, unfortunately, we have no particular account, except that it lasted for twelve days. A marriage was talked of between the English prince and the sister of the King of Scotland; but the energetic consort of the feeble Henry required more prompt and warlike support than was to be derived from a distant matrimonial alliance; and, encouraged by the promise of a cordial co-operation upon the part of Scotland, she returned with haste to York, and there, in a council of her friends, formed the resolution of attacking London, and attempting the rescue of her captive husband. The complete triumph of this princess at Wakefield, where she totally routed the army of the Duke of York, once more, though for a brief period, confirmed

<sup>1</sup> Auchinleck Chronicle, p. 58.

<sup>2</sup> Extracta ex Chronicis Scotiæ, fol. 289. "Medium circiter choram."

the ascendancy of the house of Lancaster; and Scotland, in the re-establishment of her ally upon the throne, anticipated a breathing time of peace and tranquillity.<sup>1</sup>

But the elements of civil commotion existed in the habits of the people, and the constitution of the country. In the north, the fertile region of all confusion and rapine, Allan of Lorn of the Wood, a sister's son of Donald Balloch, had seized his elder brother, Ker of Lorn, and confined him in a dungeon in the island of Kerweray.<sup>2</sup> Allan's object was to starve his victim to death, and succeed to the estate; but the Earl of Argyle, who was nearly related to the unfortunate baron, determined to rescue him; and arriving suddenly with a fleet of war galleys, entirely defeated this fierce chief, burnt his fleet, slew the greater part of his men, and restored the elder brother to his rightful inheritance. This, although apparently an act of justice, had the usual effect of rousing the whole body of the island lords, and dividing them into various parties, animated with a mortal hostility against each other; and these issued from their ocean retreats to plunder the islands, to make descents upon the continent, and to destroy and murder the unhappy persons who refused to join their banner, or engage in such atrocities.<sup>3</sup>

In the meantime, it was thought expedient that writs should be issued, in the royal name, for the meeting of the parliament, which assembled at Edinburgh on the 23d of February, 1460. It was fully attended, not only by the whole body of the prelates, to whose wisdom and experience the people anxiously

<sup>1</sup> Auchinleck Chronicle, p. 58. Carte, Hist. of England, vol. ii. p. 757.

<sup>2</sup> *i. e.* Kerrera.

<sup>3</sup> Auchinleck Chronicle, pp. 58, 59.

looked for protection, and by the great southern barons, but by the Earl of Ross lord of the Isles, and a multitude of independent Highland chiefs, whose hands were scarce dry from the blood which they had lately shed in their domestic broils, and who came, not so much from feelings of affection to the crown, as with the desire of profiting by the changes and the insecurity which they knew to be the attendants upon a minority. Unfortunately, no records remain of the transactions of this first parliament of James the Third. It is certain, however, that the debates and divisions of the aristocracy were carried on with a virulence which augured ill for the kingdom, and rendered abortive, in a great measure, the deliberations of the friends of order and good government. These, however, so far succeeded as to procure the appointment of sessions for the distribution of justice, to be held at Aberdeen, Perth, and Edinburgh. The keeping of the king's person, and the government of the kingdom, were committed, for the present, to the queen-mother; and this prudent princess, distrusting the higher nobles, who commanded some of the principal fortresses, removed the governors of Edinburgh, Stirling, and Dunbar, and replaced them by those amongst her own servants, upon whose fidelity she could rely.<sup>1</sup> It was impossible that such decided measures should not excite dissatisfaction amongst a large proportion of the aristocracy, "who," in the words of a contemporary chronicle, "loudly complained against those persons, whether of the temporal or spiritual estate, who committed to a woman the government of a powerful kingdom." In other words, they murmured that the plunder and peculation which they had eagerly anticipated as the ministers of a minor sovereign, were

<sup>1</sup> Auchinleck Chronicle, p. 59. Leasley, Hist. p. 33.

not likely to be permitted under the energetic government of the queen.

In the absence of authentic evidence, it is difficult to ascertain the exact measures which were adopted in the constitution of the new government immediately subsequent to the death of the king. According to Lesley, a council of regency was formed, under the direction of the queen-mother. By another, and, as it seems, a more probable account, the chief management of affairs was intrusted to Kennedy bishop of St Andrews; and it is certain that the choice could not have fallen upon one more fitted, from his exemplary probity, and his eminent talents and experience, to guide the state amid the difficulties with which it was surrounded. This his conduct in office during the late reign had sufficiently demonstrated; and his present appointment to be the principal minister of the crown, was a pledge given by the queen that, however thwarted and opposed by the selfish spirit of the great body of the nobles, it was at least her wish that the government should be administered with justice and impartiality. The office of chancellor was, about the same time, conferred on Lord Evandale, a nobleman of considerable ability, who had enjoyed the advantage of a more learned education than generally fell to the lot of the rude barons of his age, and who had experienced the confidence and friendship of the late king. The high situation of Justiciar of Scotland was committed to Robert lord Boyd; the care of the privy seal, intrusted to James Lindsay provost of Lincluden, who was said to be admitted into the most secret councils of the queen; James lord Livingston, was promoted to the lucrative and responsible dignity of chamberlain, whilst Liddele, rector of Forres, was made secretary to the king, David Guthrie of Kincaldrum, treasurer, and

Sir John Colquhoun of Luss, comptroller of the household.<sup>1</sup>

It was about this time that the King of France, who had been chosen arbitrator in the dispute between the crowns of Norway and Scotland, delivered his final judgment upon the subject. It has been already explained that this serious difference, which threatened to involve the two kingdoms in war, originated in a claim made by the Norwegian monarch for the arrears of the "annual of Norway," the sum payable by Scotland to that kingdom for the possession of the Western Isles and Man. By an original treaty between Magnus king of Norway, and Alexander the Third, which was concluded in 1286, a certain penalty had been imposed, upon failure on the part of Scotland to pay the yearly quit-rent; and the Norwegian commissioners insisted that the original autograph of this treaty should be produced by the Scottish ambassadors, Patrick Fokart, captain of the King of France's guard, and William de Monipenny lord of Concre-sault, alleging that they would prove, from the terms in which it was drawn up, that an arrear of forty-four thousand marks was due from the Scottish government to the King of Norway. This demand the Scottish envoys eluded. They alleged that the original deed was in the hands of Kennedy, the provost of St Andrews, who was then sick in Flanders, at a great distance from the spot where the convention was held, and insinuated that the treaty had rather been neglected than infringed; that no demands having been for a long period made by Norway, Scotland was almost justified in considering the claim as having been cut down by desuetude.

<sup>1</sup> Crawford's *Officers of State*, p. 37. Ibid. p. 313. Rymer, *Fœdera*, vol. xi. p. 476.

Unable, from the want of the original document, to decide this point, and anxious to avoid the prolongation of the conference, Charles the Seventh proposed that the disputes should be brought to an amicable termination by a marriage between the eldest son of James the Second, and Margaret, the daughter of the King of Norway. Upon this subject the plenipotentiaries of either power, although they intimated that they had no authority to come to a final agreement, declared their willingness to confer with their governments. It was stated by the Scottish ambassadors that the terms which they should be inclined to propose, would be the renunciation by Norway of all claim for arrears, the cession to Scotland of the islands of Shetland and the Orkneys, and the payment of the sum of a hundred thousand crowns for the feminine decorations, or, in more familiar phrase, the pin-money, of the noble virgin; whilst, upon their part, they engaged that their royal master should settle upon the princess a dowery suitable to her rank. At this moment, and apparently before the Norwegian commissioners had returned any answer to the proposal, accounts of the death of James the Second before Roxburgh reached Bourges, where the convention was held, and the negotiations were brought to an abrupt conclusion; but a foundation had been laid for a treaty highly advantageous to Scotland; and the advice of the royal umpire, Charles the Seventh, that the two countries should be careful to continue in the Christian fellowship of peace till the youthful parties had reached a marriageable age, and the intended union could be completed, appears to have been wisely followed by the ministers of both kingdoms.<sup>1</sup>

<sup>1</sup> Torfæus, pp. 185, 186.

In the meantime, events of an interesting and extraordinary nature occurred in England. The battle of Wakefield had replaced the sceptre in the hands of the feeble Henry, and the bleeding head of the Duke of York, laid at the feet of his masculine antagonist, the queen, was received by her as a pledge that her misfortunes were to be buried in the grave of this determined enemy of her house. Yet, within little more than two months, the star of York once more assumed the ascendant; and the total and sanguinary defeat of the Lancastrians in the decisive battle of Tooton, again drove Henry and his consort into exile in Scotland. So complete had been the dispersion and slaughter of their army, and so immediate and rapid the flight, that their suite, when they arrived, consisted only of six persons.<sup>1</sup> They were received, however, with much distinction; the warmest sympathy was expressed for their misfortunes; and the queen-mother, with the counsellors of the youthful monarch, held various conferences on the most prudent measures to be adopted for the restoration of their unfortunate ally to his hereditary throne. The difficulties, indeed, which presented themselves in the prosecution of such a design, were by no means of a trifling description. It was evident to the good sense and mature experience of Kennedy, who held the chief place in the councils of the Scottish queen, that upon the accession of a minor sovereign, the first object of his ministers ought to be to secure the integrity of his dominions and the popularity of his government at home. Yet this, at the present moment, was no easy task. On the side of the Highlands and the Isles, Edward the Fourth had already commenced his intrigues with two of the most

<sup>1</sup> Hall, 256. Paston Letters, i. 219.



potent and warlike chiefs of those districts, whose fleets and armies had repeatedly broken the tranquillity of the kingdom, John earl of Ross, and Donald Balloch commonly called Mac Ian Vor of Isla. To meet these two barons, or their ambassadors, for they affected the state of independent princes, the English monarch despatched the banished Earl of Douglas, and his brother John Douglas of Balveny, who had sunk into English subjects, and were animated by a mortal antipathy against the house of James the Second.<sup>1</sup> On the side of Norway, the differences regarding the claims of that government, although they had assumed, under the mediation of the French monarch, a more friendly aspect, were still unsettled; and a war with England, unless undertaken on the necessary ground of repelling an unjust attack, appeared likely to lead to serious misfortune, and even, if crowned with success, could bring little permanent advantage. Yet to desert an ally in misfortune, to whom he was bound by the faith of repeated treaties, would have been unjust and ungenerous, and Henry, or rather his queen, without affecting to be blind to the sacrifice which must be made if Scotland then declared war, offered to indemnify that country by the immediate delivery of the two important frontier towns of Berwick and Carlisle.<sup>2</sup> The prize thus offered was too alluring to be refused; and although Edward had previously shown a disposition to remain on friendly terms, the occupation of so important a town was considered as an open declaration of hostility, and called for immediate exertion.

Personally engrossed, however, by the unsettled state of his own kingdom, he determined to invade Scotland, and, if possible, expel the reigning family

<sup>1</sup> Rymer, vol. xi. p. 474. Rotuli Scotiæ, vol. ii. p. 402.  
Rolls of Parliament, vol. v. p. 478.

by means of those powerful and rebellious chiefs which it held within its own bosom, assisted by the banished Douglasses. We find, accordingly, that in a council of their vassals and dependants, held at Astornish, on the 19th of October, the Earl of Ross, along with Donald Balloch, and his son John de Isla,<sup>1</sup> despatched their ambassadors to meet with the English envoys, who, in a negotiation at Westminster, concluded a treaty with Edward IV. which embraced some extraordinary conditions. Its basis was nothing less than the contemplated conquest of Scotland by the army of the island lord and the auxiliaries to be furnished by Edward. The Lord of the Isles, upon payment of a stipulated sum of money to himself, his son, and his ally, agreed to become for ever the sworn vassal of England, along with the whole body of his subjects, and to assist him in the wars in Ireland, as well as elsewhere. In the event of the entire subjugation of Scotland by the Earls of Ross and Douglas, the whole of the kingdom to the north of the Scottish sea, or Firth of Forth, was to be divided equally between Douglas, Ross, and Donald Balloch; whilst Douglas was to be restored to the possession of those estates between the Scottish sea and the borders of England, from which he was now excluded; and upon such partition and restoration being carried into effect, the salaries payable by England to Ross and his associates, as the wages of their defection, were to cease. This remarkable treaty is dated at London, on the 13th of February, 1462.<sup>2</sup>

Whilst these important transactions were taking place in England, Henry, the exheridated monarch, in his asylum at the Scottish court, engaged the Earl

<sup>1</sup> Gregory's *Hist. of the Western Islands*, pp. 47, 48.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 407.

of Angus, one of the most powerful subjects in Scotland, by the promise of an English dukedom, to grant him his assistance in the recovery of his dominions;<sup>1</sup> but before any regular plan could be organized, the Earl of Ross, faithful to his promises to Edward, assembled an army. The command of this force he intrusted to his natural son, Angus; and this fierce chief, assisted by the veteran Donald Balloch, at once broke into a rebellion, which was accompanied by all those circumstances of atrocity and sacrilege that distinguished the hostilities of these island princes. Ross proclaimed himself King of the Hebrides, whilst his son and Donald Balloch, having taken possession of the castle of Inverness, invaded the country of Athole, published a proclamation that no one should dare to obey the officers of King James; commanded all taxes to be henceforth paid to Ross; and, after a cruel and wasteful progress, concluded the expedition by storming the castle of Blair, and dragging the Earl and Countess of Athole from the chapel and sanctuary of St Bridget, to a distant prison in Isla.<sup>2</sup> Thrice did Donald attempt, if we may believe the historian, to fire the holy pile which he had plundered; thrice the destructive element refused its office; and a storm of thunder and lightning, in which the greater part of his war-galleys were sunk, and the rich booty with which they were loaded consigned to the deep, was universally ascribed to the wrath of Heaven, which had armed the elements against the abettor of sacrilege and murder. It is certain, at least, that this idea had fixed itself with all

<sup>1</sup> Hume of Godscroft, vol. ii. pp. 21, 22, quotes from the original treaty, which he had seen: "And so the treaty was sealed and subscribed with a Henry as long as the whole sheet of parchment; the worst shapen letters, and the worst put together, that I ever saw."

<sup>2</sup> Gregory's Hist. of the Western Islands, p. 48.

the strength of remorse and superstition in the mind of the bold and savage leader himself; and such was the effect of the feeling, that he became moody and almost distracted. Commanding his principal leaders and soldiers to strip themselves to their shirt and drawers, and assuming himself the same ignominious garb, he collected the relics of his plunder, and, proceeding with bare feet, and a dejected aspect, to the chapel which he had so lately stained with blood, he and his attendants performed penance before the altar. The Earl and Countess of Athole were immediately set free from their prison, and Angus, abandoned as it was believed by Heaven, at last ignominiously perished by the dagger of an Irish harper, whose resentment he had provoked.<sup>1</sup>

It does not appear that any simultaneous effort of the banished Earl of Douglas, who at this time received from England a yearly pension of five hundred pounds, co-operated with the rebellion of Ross; so that this formidable league, which threatened nothing less than the conquest and dismemberment of Scotland, expired in a short and insulated expedition, and fell to pieces before the breath of religious remorse. Meanwhile the masculine and able consort of Henry the Sixth was indefatigable in her efforts to regain the power which she had lost. With a convoy of four Scottish ships she sailed from Kirkcudbright to Bretagne, and there prevailed upon the duke to advance the sum of twelve thousand crowns. From Bretagne she passed to her father, the King of Sicily, at this time resident at Anjou, and thence proceeded to the court of France, where her promise to surrender Calais the moment she was resealed on her throne in England, induced Lewis

<sup>1</sup> Lesley, p. 34, Bannatyne edition. Boece, p. 383; and MS. note communicated by Mr Gregory.

the Eleventh to assist her with a force of two thousand men, under the command of the *Sieur de Brézé* seneschal of Normandy, and a sum of twenty thousand livres.<sup>1</sup> With this little army, the English queen disembarked near Bamborough, under the confident expectation that the popularity of the house of Lancaster, and the prompt assistance of the Scots, would soon recruit the ranks of her army, and enable her to triumph over the power of the usurper. But she was cruelly disappointed. On her first landing, indeed, the fortresses of Alnwick and Dunstanburgh surrendered, and were occupied by the troops of the Lancastrians; but before the Scottish auxiliaries, under the command of Angus, could march into England, Edward the Fourth, in person, along with the Earl of Warwick, advanced, by rapid marches, at the head of a numerous army, and compelled the queen and her foreign ally to fly to their ships. The Seneschal of Normandy, however, left his son in command of Alnwick, at the head of the French auxiliaries, whilst Bamborough castle was committed to the Duke of Somerset and the Earl of Pembroke; but it was impossible for the Queen of England to struggle against the adverse accidents which pursued her. A storm attacked and dispersed her fleet; and it was with infinite difficulty and danger that she succeeded in putting into Berwick.<sup>2</sup> Brézé, the seneschal, after witnessing the wreck of his best ships, and the capture of his troops by Ogle and Manners, two of Edward's officers, was glad to escape in a fishing-boat from Holy Island; and although the Earl of Angus, at the head of a considerable Scottish force, gallantly brought relief to the French auxiliaries who were shut up in Alnwick, and carried off the garrison

<sup>1</sup> Wyrecestre, p. 492. Carte, *Hist. of England*, vol. ii. p. 766.

<sup>2</sup> *Ibid.* p. 496. Leland, *Coll.* vol. i. part ii. p. 499.

in safety, in the presence of the English army, the expedition concluded with Edward becoming master of the castles of Bamborough, Dunstanburgh, and Alnwick, whilst Margaret once more fled to the continent, and sought an asylum at her father's court.

In the midst of these calamities which befell her sister queen and ally, it appears that the queen-dowager of Scotland had consented to a personal interview with the Earl of Warwick, as the accredited ambassador of Edward the Fourth. The object of the negotiation was an artful proposal of this handsome and victorious prince, for a marriage between himself and the widowed queen, who was then in the bloom of her years, and possessed of many personal charms. Although this negotiation ultimately came to nothing, and indeed the notoriety of the queen's intrigue with the Duke of Somerset,<sup>1</sup> and the suspicions previously breathed against her character, rendered it difficult to believe that Edward was in earnest, still the agitation of such an alliance had the effect of neutralizing the party against England, and diminishing the interest of Henry the Sixth at the Scottish court. The death also of his powerful ally, the Earl of Angus, which appears to have taken place about this time, greatly weakened his party; and this ill-fated prince, after having testified his gratitude for the honourable reception and great humanity which he had experienced from the provost and citizens of Edinburgh, by granting to them the same freedom of trade to all English ports which was enjoyed by the citizens of London,<sup>2</sup> once more repaired to England, there to make a last effort for the recovery of his kingdom.

<sup>1</sup> Wyrecestre, p. 495.

<sup>2</sup> Maitland's History of Edinburgh, p. 8.

The nobles of Scotland, at this moment, were divided into two parties, known by the name of the young and the old lords:<sup>1</sup> the first supported by the powerful countenance of the queen-mother and Bishop Kennedy, anxious for lasting peace with England, and eager to promote it by the sacrifice of the cause of Henry, which was justly considered desperate; the second, led by the Earl of Angus, and after his death, headed, in all probability, by his son and successor, or rather by the tutors and protectors of this youthful chief. The sudden death of the queen-mother, Mary of Gueldres, in the prime of her years and her beauty, which took place on the 16th of November, 1463,<sup>2</sup> does not appear to have weakened the interest of Edward, or thrown any additional weight into the hands of the partisans of Henry; on the contrary, the event was followed by immediate and active negotiations for peace; and soon after the battle of Hexham, a defeat which gave the death-blow to the Lancastrian faction in England, a solemn convention was held between the commissioners of both countries. It was attended, on the part of England, by the Earls of Warwick and Northumberland; and on that of Scotland, by the Bishop of Glasgow and the Earl of Argyle, with the Lords Livingston, Boyd, and Hamilton; and it concluded in a fifteen years' truce, embracing, as one of its principal conditions, that "the King of Scotland should give no assistance to Henry, calling himself King of England, to Margaret his wife, Edward his son, or any of his friends or supporters."<sup>3</sup>

Amidst these transactions there gradually arose in Scotland another powerful family, destined to act a

<sup>1</sup> Paston Letters, vol. i. p. 270.

<sup>2</sup> Lesley, p. 36.

<sup>3</sup> Rymer, vol. xi. p. 510. Rot. Scot. vol. ii. p. 412. Abercromby vol. ii. p. 390.

prominent part in the public affairs of the kingdom, and to exhibit the frequently repeated spectacle of office and authority abused for the lowest and most selfish ends. I allude to the exaltation of the Boyds, whose rapid advancement to the possession of the supreme power in the state, and the custody of the king's person, is involved in considerable obscurity. The power of the imperious house of Douglas was now extinguished; it had been succeeded by the domination of the Earl of Angus, which was at first checked by the influence of the queen-mother, and had lately sunk into a temporary weakness by the minority of the young earl. In these circumstances, an opening seems to have been left for the intrusion of any able, powerful, and unscrupulous adventurer, who should unite in his own favour the broken and scattered families of the aristocracy, and, imitating the audacious policy of the Livingstons, in the earlier part of the reign of James the Second, obtain exclusive possession of the king's person, and administer at his will the affairs of the government. Such a leader arose in the person of Robert lord Boyd, whose ancestor had done good service to the country under the reign of Bruce, and who himself, probably through the influence of Bishop Kennedy, had been created a peer in an early part of the present reign. The brother of this nobleman, Sir Alexander Boyd, is celebrated, in the popular histories of this reign, as a mirror of chivalry in all noble and knightly accomplishments, and upon this ground he had been selected by the queen-mother and Kennedy as the tutor of the youthful prince in his martial exercises.<sup>1</sup> To acquire an influence over the affections of a boy of thirteen, and to transfer that influence to his brother, Lord Boyd, who was much about the royal person,

<sup>1</sup> Paston Letters, vol. i. pp. 270, 271.



was no difficult task for so polished and able a courtier as Sir Alexander; but it appears singular that the selfishness and ambition of his character, as well as that of his brother, should have escaped the acute discernment of Kennedy; and yet it seems probable that some months previous to the death of this excellent prelate, the Boyds had formed a strong party in the state, the object of which was to usurp the whole power in the government, and secure the exclusive possession of the king's person.

This may be presumed from a remarkable indenture, dated at Stirling, on the 10th of February, 1465,<sup>1</sup> the contents of which not only disclose to us the ambition of this family, and the numerous friends and adherents whom they had already enlisted in their service, but throw a strong light upon the unworthy methods by which such confederacies were maintained amongst the members of the Scottish aristocracy. The agreement bears to have been entered into betwixt honourable and worshipful lords, Robert lord Fleming on the one side, and Gilbert lord Kennedy, elder brother of the bishop, and Sir Alexander Boyd of Duchal, knight, upon the other; and it declared that these persons had solemnly bound themselves, their kin, friends, and vassals, to stand each to the other, in "afald kindness, supply, and defence," in all their causes and quarrels in which they were either already engaged, or might happen to be hereafter engaged, during the whole continuance of their lives. Lord Fleming, however, it would seem, had entered into a similar covenant with the Lords Livingston and Hamilton; and these two peers were specially excepted from that clause by which he engaged to support Kennedy and Boyd against all manner of persons who live or die. In the same manner,

<sup>1</sup> i. e. 10th February, 1465-6.

these last-mentioned potentates excepted from the sweeping clause, which obliged them to consider as their enemies every opponent of Fleming, a long list of friends, to whom they had bound themselves in a similar indenture ; and it is this part of the deed which admits us into the secret of the early coalition between the house of Boyd and some of the most ancient and influential families in Scotland. The Earl of Crawford, Lord Montgomery, Lord Maxwell, Lord Livingston, Lord Hamilton, and Lord Cathcart, along with a reverend prelate, Patrick Graham, who soon after was promoted to the see of St Andrews, were specially enumerated as the covenanted friends of Boyd and Kennedy. It was next declared that Lord Fleming was to remain a member of the king's special council as long as Lord Kennedy and Sir Alexander Boyd were themselves continued in the same office and service, and provided he solemnly obliged himself, in no possible manner, either by active measures, or by consent and advice, to remove the king's person from the keeping of Kennedy and Boyd, or out of the hands of any persons to whom they may have committed the royal charge. By a subsequent part of the indenture it appears, that to Fleming was attributed a considerable influence over the mind of the youthful monarch ; for he was made to promise that he would employ his sincere and hearty endeavours to incline the king to entertain a sincere and affectionate attachment to Lord Kennedy and Sir Alexander Boyd, with their children, friends, and vassals. The inducement by which Lord Fleming was persuaded to give his cordial support to the Boyds is next included in the agreement, which, it must be allowed, was sufficiently venal and corrupt. It was declared, that if any office happened to fall vacant in the king's gift, which is a reasonable and proper

thing for the Lord Fleming's service, he should be promoted thereto for his reward ; and it continues, "if there happens a large thing to fall, such as ward, relief, marriage, or other perquisite, as is meet for the Lord Fleming's service, he shall have it, for a reasonable composition, before any other." It was finally concluded between the contracting parties, that two of Lord Fleming's friends and retainers, Tom of Somerville, and Wat of Tweedy, should be received by Kennedy and Boyd amongst the number of their adherents, and maintained in all their causes and quarrels ; and the deed was solemnly sealed and ratified by their oaths taken upon the holy gospels.<sup>1</sup>

Such is a specimen of the mode in which the prosperity of the kingdom was sacrificed to the private ambition of the nobles ; and it is evident that this band or indenture, by which Lord Fleming was irrevocably tied to support the faction of the Boyds, was merely one of many other similar instruments which shackled in the same manner, and rewarded by the same prospects of peculation, the rest of the Scottish nobles.

These intrigues appear to have been carried on during the mortal illness of Bishop Kennedy, and in contemplation of his death. This event, which, in the circumstances in which it occurred, was truly a national calamity, took place on the 10th of May, 1466.<sup>2</sup> In him the country lost the only statesman who possessed sufficient firmness, ability, and integrity, to direct the councils of government. He was, indeed, in every respect a remarkable man ; a pious and conscientious churchman, munificent, active, and discriminating in his charity ; and whose religion, untinged with bigotry

<sup>1</sup> This valuable original document was communicated to me by James Maidment, Esq., through whose kind permission it is printed in the Illustrations, Letter O.

<sup>2</sup> Keith's Catalogue of the Scottish Bishops, p. 19.

or superstition, was pure and practical. His zeal for the interests of literature and science was another prominent and admirable feature in his character, of which he left a noble monument in St Salvator's college at St Andrews, founded by him in 1456, and richly endowed out of his ecclesiastical revenues. Kennedy was nearly connected with the royal family, his mother being the Lady Mary countess of Angus, a daughter of Robert the Third. It appears that he had early devoted his attention to a correction of the manifold abuses which were daily increasing in the government of the church; for which laudable purpose he twice visited Italy, and experienced the favour of the pope. Although in his public works, in his endowments of churches, and in every thing connected with the pomp and ceremonial of the catholic faith, he was unusually magnificent, yet in his own person, and the expenditure of his private household, he exhibited a rare union of purity, decorum, and frugality; nor could the sternest judges breathe a single aspersion against either his integrity as a minister of state, or his private character as a minister of religion. Buchanan, whose prepossessions were strongly against that ancient church, of which Kennedy was the head in Scotland, has yet spoken of his virtues in the highest terms of panegyric:—"His death," he says, "was so deeply deplored by all good men, that the country seemed to weep for him as for a public parent."<sup>1</sup>

Upon the decease of this virtuous prelate, the strength of the coalition which had been formed by the Boyds, and the want of that firm hand which had hitherto guided the government, were soon felt in a lamentable manner by the country. To get complete possession

<sup>1</sup> Buchanan, *Hist. Rerum Scotic.* book xii. chap. 23.

of the king's person was the first object of the faction, and this they accomplished in a summary and audacious manner. Whilst the king, who had now completed his fourteenth year, sat in his Exchequer court, which was then held in the palace of Linlithgow, Lord Boyd, accompanied by Lord Somerville, Adam Hepburn master of Hailes, and Andrew Ker of Cessford, violently invaded the court, which was kept by the officers and attendants of the chamberlain, Lord Livingston, and laying hands upon the king, compelled him to mount on horseback behind one of the Exchequer deputies, and to accompany them to Edinburgh. Lord Kennedy, who was a principal party in the conspiracy, with the object of removing from himself the public odium of such an outrage, intercepted the cavalcade, and, seizing the bridle of the horse which the king rode, attempted, with well-dissembled violence, to lead him back to the palace. A blow from the hunting-staff of Sir Alexander Boyd put an end to this interference, and the party were suffered to proceed with their royal prize to the capital.<sup>1</sup> The reader need hardly be reminded, that Lord Livingston, the chamberlain, without whose connivance this enterprise could not have succeeded, was one of the parties to that bond between Lord Fleming and the Boyds, which has been already quoted; and that Tom of Somerville, or, in less familiar language, Thomas Somerville of Plane, the brother of Lord Somerville, who accompanied and assisted Lord Boyd in his treasonable invasion of the royal person, was another. Fleming himself, indeed, does not appear; and the other powerful friends of the Boyds, the Earl

<sup>1</sup> R. Mag. Sig. vii. 45. October 13, 1466. Buchanan, book xii. chap. 21, is the authority for this pretended interposition of Kennedy. The rest of the story given by him is inaccurate. See an extract from the Trial of the Boyds in 1469, in Crawford's *Officers of State*, p. 316.

of Crawford, with the Lords Montgomery, Maxwell, Hamilton, and Cathcart, are not mentioned as having personally taken any share in the enterprise ; but can we doubt that all of them gave it their countenance and support ; and that Lord Boyd and his associates would not have risked the commission of an act of treason, unless they had been well assured that the strength of their party would enable them to defy, for the present, every effort which might be made against them ?

This is strikingly corroborated by what followed. During the sitting of a parliament, which was soon after held at Edinburgh, an extraordinary scene took place. In the midst of the proceedings, Lord Boyd, suddenly entering the council-room, threw himself at the king's feet, and, embracing his knees, earnestly besought him to declare before the three estates whether he had incurred his displeasure for any part which he had taken in the late removal of his majesty from Linlithgow to Edinburgh ; upon which the royal boy, previously well instructed in his lesson, publicly assured his nobility, that instead of being forcibly carried off in the month of July last from Linlithgow, as had been by some persons erroneously asserted, he had attended Lord Boyd, and the other knights and gentlemen who accompanied him, of his own free will and pleasure. In case, however, this assertion of a minor sovereign, under the influence of a powerful faction, should not be considered sufficiently conclusive, an instrument under the great seal was drawn up, in which Boyd and his accomplices were pardoned ;<sup>1</sup> and to crown this parliamentary farce, the three estates immediately appointed the same baron to the office of governor of

<sup>1</sup> *Litera approbationis in favorem Dom. Rob. Boyd.* Appendix to Crawford's *Officers of State*, p. 473.

the king's person, and of his royal brothers. They selected, at the same time, a committee of certain peers, to whom, during the interval between the dissolution of this present parliament and the meeting of the next, full parliamentary powers were intrusted. It is impossible not to pity the miserable condition of a country in which such abuses could be tolerated ; in which the rights of the sovereign, the constitution of the great national council, and the authority of the laws, were not only despised and outraged with impunity, but, with a shameless ingenuity, were made parties to their own destruction. In the same parliament, the ambassadors who were then in England, amongst whom we find the prelates of Glasgow and Aberdeen, the Earls of Crawford and Argyle, with Lord Livingston the chamberlain, were directed to treat of the marriage of the king, as well as of his royal brothers, the Lords of Albany and Mar ; and, upon their return to Scotland, to come to a final determination upon the subject with that committee of lords to whom the powers of parliament were intrusted.

It is evident, however, that although their names and their numbers are studiously concealed, there was a party in the kingdom inimical to the designs of the Boyds, who absented themselves from the meeting of the estates, and, shut up within their feudal castles, despised the pretended summons of the king, and defied the authority of those who had possessed themselves of his person. The parliamentary committee were accordingly empowered to sit and judge all those who held their castles against the king or my Lord of Albany ; to summon them to immediate surrender ; and, in the event of their refusal, to reduce them by arms. At the same time, it was determined that the dowery of the future queen should be a third of the

king's rents. Some regulations were passed against the purchase of benefices *in commendam* ; and an endeavour was made to put a stop to the alarming prevalence of crime and oppression, by inflicting severe fines upon the *borrows* or pledges of those persons who had become security to the state that they would keep the peace, and abstain from offering violence to the person or invading the property of their neighbours.<sup>1</sup> "If borrows be broken," to use the language of the act, "upon any bishop, prelate, earl, or lord of parliament, the party who had impledged himself for his security, was to be fined a hundred pounds; if upon barons, knights, squires, or beneficed clerks, fifty pounds; if upon burgesses, yeomen, or priests, thirty pounds." In the same parliament, the act of King Robert Bruce, by which Englishmen were forbid to hold benefices in Scotland, was revived; and the statutes, so often renewed and so perpetually infringed, against the exportation of money out of the realm, excepting so much as was necessary for the traveller's personal expenses, were once more repeated. On the other hand, to encourage the importation of money into the kingdom, a provision was made that every merchant who exported hides or woolfels, should, for each sack which he sold in the foreign market, bring to the master-coiner of the king's mint two ounces of "burnt silver," for which he was to receive nine shillings and twopence; whilst, for the ease and sustentation of the king's lieges, and to encourage alms-deeds to be done to the poor, it was enacted that a coinage of copper money should be issued, four pieces or farthings to the penny, with the device of St Andrew's cross, and superscribed Edinburgh on the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 85.



one side, and a royal crown, with the letters James R., on the reverse. The other gold and silver money of the realm was to be current at the same value as before.<sup>1</sup>

A restriction was made upon foreign trade, by which none but free burgesses, resident within burgh, or their factors and servants, were permitted to sell or traffic in merchandise out of the realm; always understanding, that it was lawful for prelates, barons, and clerks, to send their own property, the produce of their own lands, out of the country by the hands of their servants, and to purchase in return such things as were needful for their personal use. Other regulations follow, which enable us to form some idea of the commercial condition of the country: even burgesses, it would appear, had not an unlimited permission to trade, unless the trader was a famous and worshipful man, having, of his own property, half a "last" of goods, or so much at least under his own power and management; no handicraftsman or artisan was to be permitted to trade, unless he first, without colour or dissimulation, renounced his craft; and none of the king's lieges was to be permitted to freight a ship, either within the realm, or from a foreign port, without there being a formal agreement or charter-party drawn up, containing certain conditions which were to be fulfilled by the shipmaster. By such conditions, the shipmaster was obliged to find a steersman, and (tymmerman,) timberman, with a crew sufficient to navigate the vessel. The merchantmen who sailed with him, were to be provided with fire, water, and salt, at his expense. If any quarrel arose between the shipmaster and his merchant passengers, its de-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 86.

cision was to be referred to the court of the burgh to which the vessel was freighted ; whilst care was to be taken that no goods should be damaged or destroyed, shorn or staved in, by ignorant or careless stowage, under the penalty of forfeiting the freight-money, and making good the loss to the merchant. No master was to be allowed to sail his vessel during the winter months, from the feast of St Simon and Jude, to Candlemas ; and in consequence, probably, of some misunderstanding with the Flemings, of which there is no trace in the history of the times, all merchants were interdicted from trading to the ports of the Swyn, the Sluse, the Dam, or Bruges, and ordered to pass with their ships and cargoes to the town of Middelburg. They were not, however, to establish their trade in that city, as a staple, as it was declared to be the intention of the government to send commissioners to the continent, for the purpose of negotiating for them the privileges and freedom of trade, and to fix the staple in that port which offered the most liberal terms.<sup>1</sup> In the meantime, it was permitted to all merchants to trade to Rochelle, Bordeaux, and the ports of France and Norway, as before. In England, during the same year, we find the parliament of Edward the Fourth imposing the same restrictions upon the trade and manufactures of the kingdom, enforcing an unattainable uniformity of fabric and quantity in the worsted manufactures, and prohibiting the exportation of woollen yarn and unfulled cloth, by which the king lost his customs, and the people their employment. The truth seems to have been, that, owing to the decided inferiority of the English wool, the foreign cloths had completely

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 87.

undersold the English broadcloth ; and the parliament interfered to prevent the manufacturers from diverting their labour and their capital in that only channel in which they appear to have been profitably employed for themselves and for the country.<sup>1</sup>

In the midst of these parliamentary labours, the power of the family of the Boyds, fostered by a prepossession which the youthful monarch seems to have entertained for their society, and increased by the use which they made of their interest in the government to reward their friends, and overwhelm their opponents, was steadily on the increase. The Princess Mary, eldest sister to the king, had been affianced to the son of Henry the Sixth ; but the hand of this royal lady was not deemed too high a reward for Sir Thomas Boyd, the eldest son of Lord Boyd. The island of Arran was, immediately after the marriage, erected into an earldom, in favour of the bridegroom ; and his power and ambition were gratified by the grant of ample estates in the counties of Ayr, Bute, Forfar, Perth, and Lanark.<sup>2</sup> Soon after this accession of dignity, Lord Boyd, who already enjoyed the office of governor to the king and his brothers, and high justiciar of the kingdom, was promoted to the lucrative and important trust of lord chamberlain ; so that, armed in this triple authority, he may be said to have ruled supreme over the person of the sovereign, the administration of justice, and the management of the revenues. The power of this family, however, which had shot up, within a short period, to such wonderful and dangerous strength, seems to have reached, at this moment, its highest exaltation ; and the fall, when it did arrive, was destined to be proportionably rapid and severe.

<sup>1</sup> Statutes of the Realm, vol. ii. p. 418.    <sup>2</sup> Douglas's Peerage, vol. ii. p. 32.

An event which soon after occurred in Orkney, had the effect of renewing the intercourse between the courts of Scotland and Denmark, although the auspices under which it was resumed, were at first rather hostile than friendly. Tulloch bishop of Orkney, a Scotsman, and a prelate of high accomplishments and great suavity of manners, enjoyed the esteem of Christiern king of Denmark and Norway, and appears to have been intrusted by this northern potentate with a considerable share in the government of these islands, at that time the property of the crown of Norway. In some contention or feud between the bishop and the Earl of Orkney, a baron of a violent character, and of great power, the prelate had been seized and shut up in prison, by a son of Orkney, who showed no disposition to interfere for his liberation. Upon this, Christiern directed letters to the King of Scotland, in which, whilst professing his earnest wishes that the two kingdoms should continue to preserve the most friendly relations to each other, he remonstrated against the treatment of the bishop, requested the king's interference to procure his liberty, and intimated his resolution not to permit the Earl of Orkney to oppress the liege subjects of Norway.<sup>1</sup> So intent was the northern potentate upon this subject, that additional letters were soon after transmitted to the Scottish king, in which, with the design of expediting his deliberations, a demand was made for the payment of all arrears due by Scotland to Norway, and reiterating his request not only for the liberation of the bishop, but for the restoration to the royal favour of a noble Scottish knight, Sir John Ross of Halket, the same who had distinguished himself in the famous combat, held

<sup>1</sup> *Torfae Orcades*, p. 187.

before James the Second, between three warriors of Burgundy and three champions of Scotland.

These representations had the desired effect. The king had now completed his sixteenth year; it was not expedient longer to delay his marriage; and, in looking around for a suitable consort, the daughter of Christiern was thought of amongst other noble virgins. The consequence of this was, an amicable answer to the requests of the Norwegian monarch, and a promise upon the part of James, that an embassy should immediately be despatched, by which it was hoped all claims between the two crowns might be adjusted. The Bishop of Orkney appears to have been restored to liberty; Ross was recalled from his banishment, and admitted to favour; and a parliament assembled at Edinburgh, for the purpose of taking into immediate consideration the affair of the king's marriage.

In this meeting of the estates of the realm, a commission was drawn up, empowering the Bishops of Glasgow and Orkney, the Chancellor Evandale, the Earl of Arran, and Mr Martin Vans, grand almoner and confessor to the king, to proceed as ambassadors to the court of Denmark, for the purpose of negotiating a marriage between the youthful sovereign of Scotland and Margaret princess of Denmark; whilst, in the event of any failure in the overtures made regarding this northern alliance, the embassy received a sort of roving commission to extend their matrimonial researches through the courts of England, France, Spain, Burgundy, Brittany, and Savoy. Three thousand pounds were contributed by the parliament for the purpose of defraying the expenses of the embassy, not, as it is stated in the act, by way of tax or contribution, but of their own free will, and without prejudice to follow to them in any time to come. Of this

sum, a thousand was to be given by the clergy, a thousand by the barons, and a thousand by the burgesses of the realm.<sup>1</sup>

The Scottish ambassadors accordingly proceeded to Copenhagen, and their negotiations appear to have been conducted with much prudence and discretion. Their great object was to obtain a cession from Norway of the important islands of Orkney and Shetland, which, as long as they continued the property of a foreign crown, were likely, from their proximity to Scotland, and in the event of a war with the northern powers, to become exceedingly troublesome neighbours to that kingdom. Since the ninth century, the feudal superiority in these islands had belonged to the Norwegian kings. For a considerable period, they had been governed by a line of Norwegian jarls, or earls; but these having failed about the middle of the fourteenth century, the earldom passed, by marriage, into the ancient and noble house of St Clair, who received their investiture from the monarchs of Norway, and took their oath of allegiance to that crown. Nay, the sovereigns of Norway were in the practice of occasionally appointing viceroys or governors in these islands; and on the failure of heirs in the line of the Scottish earls, on the refusal of allegiance, or in the event of rebellion, the islands were liable to be reclaimed by these foreign potentates, and at once separated from all connexion with Scotland. In such circumstances, the acquisition of the Orkneys, and the completing the integrity of the dominions of the Scottish crown, was evidently an object of the greatest national importance. At a remote period of Scottish history, in 1266, the kingdom of Man, and the Western Islands, were pur-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 90.

chased from Norway by Alexander the Third. The stipulated annual payment of a hundred marks, from its trifling value, had not been regularly exacted. Under the reign of James the Second, when the arrears appear to have accumulated for a period of twenty-six years, Christiern king of Denmark remonstrated, and not only claimed the arrears, but the penalties incurred by the failure. In these circumstances, the case was submitted to the arbitration of Charles the Seventh of France, the mutual friend of the parties, who, as already stated, recommended a marriage between the Prince of Scotland and the daughter of the King of Denmark, as the happiest and wisest mode of terminating the differences.

It was fortunate for the ambassadors of James that Christiern was disposed, at this period, to preserve the most friendly relations with Scotland. It had been the policy of this prince, more than that of any of his predecessors, to strengthen his influence by foreign alliances, and to support France against the aggressions of England; so that a matrimonial alliance with a kingdom which had long been the enemy of that country, was likely to meet with his cordial concurrence. Under so favourable an aspect, the negotiation was soon concluded. The Norwegian monarch, however, hesitated about giving an immediate cession of the islands to Scotland; but the articles of the matrimonial treaty amounted, in their consequences, to almost the same thing. Christiern consented to bestow his daughter in marriage upon King James, with a portion of sixty thousand florins, and a full discharge of the whole arrears of the *annual*, the name given to the yearly tribute due for the Western Isles, and of the penalties incurred by non-payment. Of the stipulated sum he agreed to pay down ten thousand

florins before his daughter's departure for Scotland, and to give a mortgage of the sovereignty of the Orkney Islands, which were to remain the property of the kingdom of Scotland till the remaining fifty thousand florins of the marriage portion should be paid. Upon the part of James, it was agreed that his consort, Margaret of Denmark, should, in the event of his death, be confirmed in the possession of the palace of Linlithgow and the castle of Doun, in Menteith, with their territories; and, besides this, that she should enjoy a revenue amounting to one-third of the royal lands.<sup>1</sup> The exchequer of the Danish monarch had, at this time, been drained by continued civil commotions in his kingdom of Sweden, and, owing to the delay in the stipulated payment of the dowry, the residence of the Scottish ambassadors at the northern court was protracted for several months. During this interval, Boyd earl of Arran returned to Scotland, with the object of laying before James the terms of the treaty, and receiving his further instructions regarding the passage of the bride to her new country.

Upon Boyd's departure from Copenhagen, it seems probable that Christiern became acquainted, from the information of his brother ambassadors who remained, with the overgrown power of the family of Arran, and the thralldom in which he held the youthful king, and that in justice to his daughter, the future queen, he had determined to undermine his influence. The imperious manners of such a spoilt favourite of fortune as Arran, were likely to prove disagreeable to the majesty of Denmark, and even amongst his brother ambassadors there were probably some who, having suffered under the rod of his power, would not be in-

<sup>1</sup> Torfæi Orcades, p. 15.



disposed to share in the spoils of his forfeiture, and to lend themselves instruments to compass his ruin. Whilst such schemes for the destruction of the power of the despotic family of Boyd were ripening in Denmark, the Scottish nobles, during his absence on the embassy, had entered into an equally formidable coalition against him; and the eyes of the king, no longer a boy, became open to the ignominious tutelage in which he had been kept, and the dangerous plurality of the highest offices enjoyed by the high-chamberlain and the Earl of Arran. All this, however, was kept concealed for the present; and as winter was now at hand, and the frequent storms in these northern latitudes were naturally formidable to the ambassadors and their timid bride, it was resolved to delay the voyage till spring.<sup>1</sup> At that period, Arran again proceeded with great pomp to the Danish court, and, on his arrival, it was found that Christiern, whose pecuniary difficulties continued, instead of ten thousand, could only pay two thousand florins of his daughter's dowery. Such being the case, he proposed a further mortgage of the islands of Shetland, till he should advance the remaining eight thousand florins, and, as may be easily supposed, the Scottish ambassadors were not slow to embrace his offer. The money was never paid; and, since this period, the islands of Orkney and Shetland have remained attached to the Scottish crown.

Having brought these matters to a conclusion, in a manner honourable to themselves, and highly beneficial to the country, the Scottish ambassadors, bearing with them their youthful bride, a princess of great beauty and accomplishments, and attended by a brilliant train

<sup>1</sup> Ferrerius, p. 388. Lealey, History of Scotland, p. 38.

of Danish nobles, set sail for Scotland, and landed at Leith in the month of July, amidst the rejoicings of her future subjects. She was now in her sixteenth year, and the youthful monarch, who had not yet completed his eighteenth, received her with the gallantry and ardour incident to his age. Soon after her arrival, the marriage ceremony was completed with much pomp and solemnity in the abbey church of Holyrood, and was succeeded by a variety and splendour in the pageants and entertainments, and a perseverance in the feasting and revelry, which were long afterwards remembered.<sup>1</sup>

The next great public event which succeeded the king's marriage, was the fall of the proud and powerful house of Boyd; and so very similar were the circumstances which attended their ruin to those by which the destruction of the Livingston family was accompanied, under the reign of James the Second, that, in describing the fate of the one, we seem to be repeating the catastrophe of the other. The reflection which here necessarily forces itself upon the mind is, that the constitution of Scotland, at this period, invariably encouraged some powerful family in the aristocracy to monopolize the supreme power in the state; and as the manner by which they effected this purpose was the same in all cases, by a band namely, or coalition, with the most powerful and influential persons in the country, so the mode adopted by their enemies for their ruin and discomfiture was equally uniform: a counter coalition, headed by the sovereign whom they had oppressed, and held together by the hopes of sharing in the spoils which they had amassed during their career.

<sup>1</sup> Lesley's History of Scotland, p. 38. Ferrerius, p. 388, printed at the end of Boece.

Whilst the Danish fleet, which brought the youthful bride and the Scottish ambassadors, was yet in the Forth, the king's sister, who was the wife of Arran, had become acquainted with the designs which were then in agitation; and, alarmed for the safety of her husband, against whom she perceived that her royal brother had conceived the deepest animosity, she secretly left the court, procured a conveyance on board the fleet, and informed him of his danger. It happened, unfortunately for his family, that this proud noble, overwhelmed with intelligence for which he was so little prepared, adopted the step most calculated to irritate the king's mind against him. It might have been possible for Arran to have awakened an old attachment, or at least to have diluted the bitterness of indignation, by a personal appeal to the generosity of the monarch; but instead of this, without landing with his brother ambassadors, he secretly got on board a vessel, and taking his wife along with him, whose presence he perhaps believed would be a pledge for his security, escaped to Denmark, a country scarcely less inimical to him than Scotland.

On being informed of his flight, the king was much incensed, and immediately after the conclusion of the rejoicings for his marriage, a parliament assembled at Edinburgh, in which the destruction of this great family was completed in a very summary manner. Lord Boyd, his brother Sir Alexander Boyd of Drumcol, and his son the Earl of Arran, were summoned to appear and answer the charges which should be brought against them. Boyd, the lord justiciar and chamberlain, now a very old man, made a vain show of resistance; and trusting perhaps to those bands by which many of the most powerful families in the country had engaged to follow his banner, and espouse his

quarrel, he assembled his vassals, and advanced to Edinburgh with a force intended to overawe the parliament and intimidate his judges: but he had overrated his influence. At the display of the royal standard, his troops of friends dispersed; even his own immediate dependants became fearful of the consequences, and dropt away by degrees; so that the old lord, in despair for his safety, fled across the borders into Northumberland, where, overwhelmed by age and misfortune, he soon after died.

The Earl of Arran, as we have seen, had avoided the royal wrath, by a precipitate flight to Denmark; but it is difficult to account for the stern and inexorable measures which were adopted against Sir Alexander Boyd, his uncle, whose pleasing manners, and excellence in all the chivalrous accomplishments of the age, had raised him to the office of the king's military tutor or governor, and to whom, in his boyish years, James is said to have been so warmly attached. It is evident that the young king, with a capriciousness often incident to his time of life, had suffered his mind to be totally alienated from his early friend; and having consented to his trial for treason, and the confiscation of the large estates which had been accumulated by the family, it is not impossible that, contrary to his own wishes, he may have been hurried into the execution of a vengeance which was the work rather of the nobles than of the sovereign. However this may be, Sir Alexander Boyd, whose sickness had prevented him from making his escape, was brought to trial before the parliament, for his violent abduction of the king's person from Linlithgow, on the 9th of July, 1466, an act of manifest treason; which being fully proved, he was found guilty and condemned to death. Lord Boyd, and his son the Earl of Arran,

who had eluded the pursuit of their enemies, were arraigned in their absence on the same charges as those brought against Sir Alexander Boyd ; and being tried by a jury, which included the Earls of Crawford and Morton, and the Lords Seton, Gordon, Abernethy, Glamis, Lorn, and Haliburton, were also pronounced guilty of treason. It was in vain pleaded for these unfortunate persons, that the crime of removing the king from Linlithgow had not only been remitted by a subsequent act of parliament, but, upon the same great authority, had been declared good service. It was replied, and the truth of the answer could not be disputed, that this legislative act was of no avail, having been extorted by the Boyds when they possessed the supreme power, and held the person of the sovereign under a shameful durance, which constituted an essential part of their guilt. Sentence of death was accordingly pronounced upon the 22d of November, 1469 ; and the same day, Sir Alexander Boyd, the only victim then in the power of the ruling faction, was executed on the Castle-hill of Edinburgh.<sup>1</sup>

Upon the forfeiture of the estates of Lord Boyd, and his son the Earl of Arran, it was judged expedient to make an annexation to the crown of the estates and castles which had been engrossed by this powerful family ; and this was done, it was declared, for behoof of the eldest sons of the kings of Scotland. Amongst these we find the lordship of Bute and castle of Rothesay, the lordship of Cowal and the castle of Dunoon, the earldom of Carrick, the lands and castle of Dundonald, the barony of Renfrew, with the lordship and castle of Kilmarnock, the lordships of Stewarton and

<sup>1</sup> Crawford's *Officers of State*, p. 316, quoting the original trial in Sir Lewis Stewart's MS. Collections, Advocates' Library.

Dalry; the lands of Nithsdale, Kilbride, Nairnston, Caverton, Farinzean, Drumcol, Teling, with the annualrent of Brechin, and fortalices of Trabach. When we consider the extent of the possessions which thus became the prize of the crown, it may account for the readiness with which the party of the young queen, who was naturally jealous of the influence which the Boyds had usurped over her husband, embraced the earliest opportunity of accomplishing their downfall; and a conjecture may be hazarded, that their chief enemies were the Chancellor Evandale and the Lord Hamilton, although the particular details of the conspiracy, and the names of the other powerful and ambitious persons whom it included in its ranks, have been unfortunately lost. It is certain that the house of Hamilton, which previously to the reign of James the Second, had never possessed any very formidable power, rose into high distinction upon the ruins of the family of Boyd. At the command of the king, the Princess Mary, who was the wife of the banished Earl of Arran, was compelled to leave her husband, with whom she had fled to the continent, and return to the Scottish court. A divorce was then obtained, and the Countess of Arran gave her hand to Lord Hamilton, to whom it had been promised in 1454, in reward for the good services performed to the king's father in the great rebellion of the Earl of Douglas.<sup>1</sup> It is well known that by this marriage, the family of Hamilton, under the reign of Mary, became the nearest heirs to the Scottish crown. Undismayed by the miserable fate of his family, the Earl of Arran, whose talents as a statesman and a warrior were superior to most of the nobles by whom he had been deserted, soon after

<sup>1</sup> Abercromby, vol. ii. p. 397.

entered the service of Charles the Bold, duke of Burgundy, in which he rose to high distinction, and became employed in negotiations with the court of England.<sup>1</sup>

The king had now reached that age when a fair prognostication might be made of his future character. He had completed his eighteenth year. He had married a princess, who, although considerably his junior, was endowed, if we may trust the concurrent testimony of all historians, with a rare union of wisdom and sweetness; and it was evident, that in any endeavour to extricate himself from the difficulties with which he was surrounded, much, almost all of its success depended upon his own personal qualities. The power of the Scottish aristocracy, which had greatly increased during his own and his father's minority, required a firm hand to check its dangerous growth; and it happened, unfortunately, that the temporary triumph which had attended the intrigues of the Livingstons under James the Second, and more lately the duration in which the king himself was kept by the usurpation of the house of Boyd, had diminished in the eyes of the nobles, and even of the people, the respect entertained for the royal person, and accustomed them to look upon the sovereign as a prize to be played for and won by the most bold and fortunate faction in the state. To counteract this, the possession of a steady judgment, and the exertion of a zealous attention to the cares of government, were required from the king; and in both James was deficient. That he was so weak and even wicked a monarch as he is described by a certain class of historians, contrary to the evidence of facts and of contemporaries, there is no ground to

<sup>1</sup> Paston Letters, vol. i. pp. 269, 271.

believe ; but his education, which, after the death of the excellent Kennedy, had been intrusted to the Boyds, was ill calculated to produce a sovereign fitted to govern a country under the circumstances in which Scotland was then placed. It was the interest of this family, the more easily to overrule every thing according to their own wishes, to give their youthful charge a distaste for public business, to indulge him to an unlimited extent in his pleasures and amusements, to humour every little foible in his character, to keep him ignorant of the state of the country, and to avoid the slightest approach to that wholesome severity, and early discipline of the heart and the understanding, without which nothing that is excellent or useful in after life can be expected. The effects of this base system pursued by his governors, were apparent in the future misfortunes of the king, whose natural disposition was good, and whose tastes and endowments were in some respects superior to his age. The defects in his character were mainly to be attributed to an ill-directed education ; but from the political circumstances by which he was surrounded, they were unfortunately of a nature calculated to produce the most calamitous consequences to himself as well as to the country.

He had indeed fallen on evil days ; and whether we look to the state of the continent or to the internal condition of Scotland, the task committed to the supreme governor of that country was one of no easy execution. In England, Edward the Fourth was engrossed by his ambitious schemes against France, although scarcely secure upon the throne which he had mounted amid the tumult and confusion of a civil war ; and it was his policy, fearful of any renewal of the war with Scotland, to encourage discontent, and sow



the seeds of rebellion in that country, which, under an ambitious and a popular prince, might, by uniting its strength to his adversary of France, have occasioned him infinite annoyance and loss. It was, on the other hand, the object of his sagacious and unprincipled rival, Lewis the Eleventh, to engage James, by every possible means, in a war with England; whilst Charles the Bold, duke of Burgundy, who had married the sister of Edward, and whose possession of the Netherlands gave him ample means of inflicting serious injury upon the commerce of Scotland, was equally anxious to interrupt the amicable relations between that country and France, and to preserve inviolate the truce between James and Edward. The aspect of affairs in England and on the continent, in relation to Scotland, was therefore one of considerable complication and difficulty, whilst the internal state of the country was equally dark and discouraging.

In the meantime, the same parliament which had destroyed the power of the Boyds, continued its deliberations, and passed some important acts relative to the administration of justice, the tenures of landed property, the privileges of sanctuary, the constitution of the courts of parliament and justice-ayres, and the liability of the property of the tenants who laboured the ground, for the debts of their lord.<sup>1</sup> Of these enactments, the last was the most important, as it affected the rights and the condition of so large and meritorious a class of the community, over whom the tyranny exercised by the higher orders appears to have been of a grievous description. Previous to this, when a nobleman fell into debt, his creditor, who sued out a brief of distress, and obtained a judgment

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 95.

against the debtor for a certain sum, was in the practice of having immediate recourse against the tenant of the lordly debtor's lands, seizing his whole property, to his utter loss and ruin. To remedy this an act was passed, by which it was declared, that "to prevent the great impoverishment and destruction of the king's commons and rentallers, and of the inhabitants of the estates of the nobles, which was occasioned by the brief of distress," the poor tenants should not be distrained for their landlord's debts, further than the sum which they were due to him in rent; so that if the sum in the brief of distress exceeded the rent due, the creditor was bound to have recourse against the other goods and property of the debtor. If he had no other property except his land, it was provided that the land should be sold, and the debt paid, so that the poor tenants and labourers should not be distressed, a legislative provision which exhibits a more liberal consideration for the labouring classes than at this period we might have been prepared to expect. The debtor also was to enjoy the privilege of reclaiming his land from the purchaser, if at any time within seven years he should pay down the price for which it had been sold.<sup>1</sup> In the same parliament, the three estates, after having concluded their deliberations, elected a committee of prelates, barons, and commissaries of the burghs, to whom they delegated full powers to advise upon certain important matters, and report their opinion to the next parliament. Amongst the subjects recommended for their consideration, are the "inbringing or importation of bullion into the realm, the keeping the current money within the kingdom, and the reduction of the king's laws, compre-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 96.

hending the *Regiam Majestatem*, the acts, statutes, and other books, into one code or volume ;” whilst the rest, meaning probably those statutes which had fallen into desuetude, or had been abrogated by posterior enactment, were unscrupulously directed to be destroyed.

The course of public events in England now became deeply interesting, exhibiting those sudden changes of fortune which seated the unfortunate Henry upon the throne, only to hurl him from it within a few months to a prison and a grave. In October 1470, the successful invasion of that country by the Earl of Warwick, and the desertion of Edward by the greater part of his army, compelled the monarch of the Yorkists to make a sudden and hurried escape to Flanders. Within five months he again landed in England, at the head of two thousand men ; and such was the astonishing progress of his intrigues and of his arms, that in little more than a month the city of London was delivered up, and the sanguinary and decisive battle of Tewkesbury completely and for ever annihilated the hopes of the house of Lancaster. Henry, as is well known, immediately fell a victim to assassination in the Tower ; and his queen, after a captivity of five years, was permitted to retire to Anjou, where she died. Soon after this important event, a negotiation appears to have been opened with Scotland, and commissioners were appointed to treat of a truce, which was apparently to be cemented by some matrimonial alliance, of which the particulars do not appear.<sup>1</sup>

We have seen that the excellent Kennedy, who had filled the see of St Andrews with so much credit to himself and benefit to the nation, died in the com-

<sup>1</sup> Rymer, *Fœdera*, vol. xi. p. 719.

mencement of the year 1466. Patrick Graham, his uterine brother, then Bishop of Brechin, a prelate of singular and primitive virtue, was chosen to succeed him; and as his promotion was obnoxious to the powerful faction of the Boyds, who then ruled every thing at court, the bishop-elect secretly left the country for Rome, and on his arrival, without difficulty, procured his confirmation from Pope Paul the Second. Fearing, however, that his enemies were too strong for him, he delayed his return; and the controversy regarding the claim of the see of York to the supremacy of the Scottish church having been revived by Archbishop Nevill, Graham, during his stay in Italy, so earnestly and successfully exerted himself for the independence of his own church, that Sixtus the Fourth, Pope Paul's successor, became convinced by his arguments that the claim of York was completely unfounded. The result was a measure which forms an era in the history of the national church. The see of St Andrews was erected into an archbishoprick, by a bull of Sixtus the Fourth; and the twelve bishops of Scotland solemnly enjoined to be subject to that see in all future time.<sup>1</sup> In addition to this privilege which he had gained for his own church, Graham, who felt deeply the abuses which had deformed it for so long a period, induced the pope to confer upon him the office of legate, for the space of three years, purposing, on his return to Scotland, to make a determined effort for their removal.

But little did this good man foresee the storm which there awaited him; the persecution which a nobility who had fattened on the sale of church livings, a dissolute priesthood, and a weak and capricious monarch, were prepared to raise against him. His bulls of pri-

<sup>1</sup> Spottiswood's History of the Church of Scotland, pp. 58, 59, 60.

macy and legation, which had been published before his arrival, seemed only to awaken the jealousy of the bishops, who accused him to the king of intruding himself into the legation, and carrying on a private negotiation with the Roman court, without having first procured the royal license. The moment he set his foot in Scotland, he was cited to answer these complaints, and inhibited from assuming his title as archbishop, or exercising his legatine functions. In vain did he remonstrate against the sentence—in vain appeal to the bulls which he spread before the court—in vain assert what was conspicuously true, that he had been the instrument of placing the Scottish church on a proud equality with that of the sister kingdom, and that his efforts were conscientiously directed to her good. The royal mind was poisoned; his judges were corrupted by money, which the prelates and ecclesiastics, who were his enemies, did not scruple to expend on this base conspiracy. Accusations were forged against him by Schevez, an able but profligate man, who, from his skill in the then fashionable studies of judicial astrology, had risen into favour at court; agents were employed at Rome, who raked up imputations of heresy; his bankers and creditors in that city, to whom he was indebted for large sums expended in procuring the bull for the archbishoprick, insisted on premature payment; and the rector of his own university, forging a quarrel for the purpose of persecution, dragged him into his court, and boldly pronounced against him the sentence of excommunication. Despising the jurisdiction of his inferior, and confident in his own rectitude, Graham refused obedience, and bore himself with spirit against his enemies; but the unworthy conduct of the king, who corroborated the sentence, entirely broke his heart, and threw him into

a state of distraction, from which he never completely recovered. He was committed to the charge of Schevez, his mortal enemy, who succeeded him in the primacy; and unappeased in his enmity, even by success, continued to persecute his victim, removing him from prison to prison, till he died at last, overcome with age and misfortune, in the castle of Lochleven.<sup>1</sup>

Amidst these ecclesiastical intrigues, the attention of the privy council and the parliament was directed to France, with the design of attempting a reconciliation between the French king and the Duke of Burgundy, both of them the old and faithful allies of Scotland. The Earl of Arran had fled, we have seen, after his disgrace in Scotland, to the court of Burgundy, and his talents and intrigues were successfully employed in exciting the animosity of the duke against France and Scotland. The same banished noble had also sought a refuge in England, probably with the same design which had been pursued under similar circumstances by the Douglasses, that of persuading Edward the Fourth to assist him in the recovery of his forfeited estates by an invasion of the country. To counteract these intrigues, it was resolved immediately to despatch ambassadors to these powers, whose instructions were unfortunately not communicated in open parliament, but discussed secretly amongst the lords of the privy council, owing to which precaution it is impossible to discover the nature of the political relations which then subsisted between Scotland and the continent. To the same ambassadors was committed the task of choosing a proper matrimonial alliance for the king's sister, a sum of three thousand pounds being contributed in equal portions by the three estates to meet their expenses.

<sup>1</sup> Spottiswood's History of the Church of Scotland, p. 59.

About the same time, Lewis the Eleventh despatched the Sieur Concressault to the court of James, with the object of persuading that monarch to attack and make himself master of the county of Brittany, which he promised to assign in perpetuity to the Scottish crown; and it appears he had so far succeeded, that orders were given for a levy of six thousand men-at-arms, which the king had determined to conduct in person, whilst the three estates engaged to contribute six thousand pounds for the expenses of the expedition. Against this extraordinary project of deserting his dominions, at a period when the state of the country so imperiously demanded his presence, the wiser and more patriotic portion of the nobility steadily remonstrated.<sup>1</sup> They represented that it must be attended with great peril to the realm, if the sovereign, in his tender age, and as yet without a successor, should leave the country, torn as it then was by civil faction, by the dread of threatened war, and by ecclesiastical dissension and intrigue. They exposed to him the duplicity of the conduct of Lewis, who had delayed to put him in possession of the county of Xaintonge, his undoubted right, and now attempted to divert him from insisting on the fulfilment of his stipulations, by an enterprise equally hazardous and extravagant. The prelates, in particular, drew up the strongest remonstrance upon the subject; imploring him, by the tender love which they bore to his person, not to leave his dominions open to the incursions of his enemies of England; to recall the letters already written to the King of France; and to content himself with an earnest endeavour, by the negotiations of his ambassadors, to make up the differences between Lewis the Eleventh and the Duke

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 102.

of Burgundy.<sup>1</sup> They advised him to use every method to discover the real intentions and disposition of the French monarch; and if they found him obstinate in his refusal to deliver up the county of Xaintonge, it was recommended that the ambassadors at the court of Burgundy should arraign the injustice of such conduct to the duke, and prevail upon that prince to assist the Scottish monarch in his attempt to recover his rights, as well as to get possession of the rich duchy of Gueldres, which, they contended, had become the property of the crown of Scotland, in consequence of the imprisonment of the old Duke of Gueldres by his son.<sup>2</sup> Burgundy, however, had himself cast the eyes of affection upon this prize; and with the design of uniting it to his own territory, and erecting the whole into a separate sovereignty, under the title of the kingdom of Burgundy, soon after prevailed upon the imprisoned potentate to declare him his heir, and took forcible possession of the duchy.<sup>3</sup>

Whilst engaged in these complicated negotiations with the continent, the pacific relations with England were renewed; and the repeated consultations between the commissioners of the two countries, on the subject of those infractions of the existing truce, which were confined to the borders, evinced an anxiety upon the part of both to remain on a friendly footing with each other.<sup>4</sup> Edward, indeed, since his decisive victory at Tewkesbury, was necessarily engaged in consolidating his yet unstable authority; and after having accomplished this task, he engaged in a league with the Duke of Burgundy against France, with the determination

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 102, 104.

<sup>2</sup> Ibid. vol. ii. p. 104.

<sup>3</sup> Henault, Hist. of France, vol. i. p. 318. Harcei Annal. Ducum Brabantiae, p. 438.

<sup>4</sup> Rotuli Scotiae, vol. ii. p. 430-439, inclusive.



of humbling the pride of Lewis, and reviving in that country the glory of Edward the Third and Henry the Fifth. Under such circumstances, a war with Scotland would have been fatal to the concentration of his forces.

On the other hand, James and his ministers had full occupation at home, and wisely shunned all subjects of altercation which might lead to war. The tumults in the northern parts of Scotland, which had arisen in consequence of a feud between the Earls of Ross and Huntley, whose dominions and vassalry embraced almost the whole of the Highlands, rendered it absolutely requisite that immediate measures should be adopted for the "stanching the slaughters and depredations" committed by their dependants, and attempting to reduce these districts under the control of justice and civil polity.<sup>1</sup> A practice of selling the royal pardon for the most outrageous crimes, had lately been carried to a shameless frequency; and the Lords of the Articles, in the late parliament, exhorted and entreated his highness that "he would close his hands for a certain time coming against all remissions and respites for murder, and in the meantime, previous to any personal interference in the affairs of the continent," take part of the labour upon himself, and travel through his realm, that his fame might pass into other countries, and that he might obtain for himself the reputation of a virtuous prince, who gave an example to other sovereigns in the establishment of justice, policy, and peace, throughout his dominions.<sup>2</sup>

The plan for the amendment of the laws recommended in a late statute, appears to have made but

<sup>1</sup> MS. extracts from the Books of the Lord High Treasurer, March 21, 1473.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 104.

little progress, if we may judge by a pathetic complaint, in which the lords and barons besought the sovereign to select from each estate two persons of wisdom, conscience, and knowledge, who were to labour diligently towards the "clearing up of divers obscure matters which existed in the books of the law, and created a constant and daily perplexity." These persons were recommended, in their wisdom, to "find good inventions which shall accord to law and conscience, for the decision of the daily pleas brought before the king's highness, and concerning which there was as yet no law proper to regulate their decision." This singular enactment proceeded to state, that after such persons in their wisdom had fixed upon such rules of law, the collection which they had made should be shown at the next parliament to the king's highness and his three estates; and upon being ratified and approved, that a book should then be written, containing all the laws of the realm, which was to be kept at a place where "the lafe" may have a copy;<sup>1</sup> and that none other books of the law be permitted thenceforth to be quoted, but those which were copies from this great original, under a threatened penalty of personal punishment and perpetual silence to be inflicted upon all who practised in the laws and infringed these injunctions.<sup>2</sup> A few other regulations of this meeting of the estates, regarding the manufacture of artillery, or, as they were termed, "carts of war," the regulation of the coin, the importation of bullion, the examination of goldsmiths' work, and the prohibition of English cloth as an article of import; do not require any more extended notice.<sup>3</sup>

<sup>1</sup> The "lafe" probably means the body of the inferior judges of the realm.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 106.

<sup>3</sup> A parliament was held at Edinburgh, October 6, 1474, of which

On the 17th of March, 1471-2, the birth of a prince, afterwards James the Fourth, had been welcomed with great enthusiasm by the people; and the king, to whom, in the present discontented and troubled state of the aristocracy, the event must have been especially grateful, was happily induced to listen to the advice of his clergy, and to renounce for the present all intentions of a personal expedition to the continent. He suffered himself also to be guided by the wisdom of the same counsellors in his resolution to respect the truce with England; and on a proposal being made by Edward the Fourth, that a lasting peace should be concluded between the two nations, on the basis of a marriage between the Prince-royal of Scotland and one of his own daughters, James despatched an embassy for the purpose of entering into a negotiation with the English commissioners upon this important subject.<sup>1</sup>

The lady, or rather the infant fixed on, for she was then only in her fourth year, was Edward's youngest daughter, the Princess Cæcilia; and the Bishop of Aberdeen, Sir John Colquhoun of Luss, and the chamberlain, James Shaw, having repaired to England, and concluded their deliberations, Edward directed the Bishop of Durham, along with Russel, the keeper of his privy seal, and John lord Scrope, to proceed to Edinburgh, and there conclude a final treaty of marriage and alliance, which they happily accomplished.<sup>2</sup>

A curious illustration of the formality of feudal manners was presented by the ceremony of the betrothment. On the 26th of October, David Lindsay earl of Crawford, John lord Scrope, knight of the

nothing is known but its existence. Acts of the Parliament of Scotland, vol. ii. p. 108.

<sup>1</sup> Rymer, *Fœdera*, vol. xi. p. 814.

<sup>2</sup> *Ibid.* p. 821.

garter, along with the chancellor Evandale, the Earl of Argyle, and various English commissioners and gentlemen, assembled in the Low Greyfriars' church at Edinburgh. The Earl of Lindsay then came forward, and declaring to the meeting that he appeared as procurator for an illustrious prince, the Lord James, by the grace of God King of Scots, demanded that the notarial letters, which gave him full powers in that character to contract the espousals between Prince James, first-born son of the said king, and heir to the throne, and the Princess Cæcilia, daughter to an excellent prince, Lord Edward king of England, should be read aloud to the meeting. On the other side, Lord Scrope made the same declaration and demand; and these preliminaries being concluded, the Earl of Crawford, taking Lord Scrope by the right hand, solemnly, and in presence of the assembled parties, plighted his faith that his dread lord, the King of Scotland, and father of Prince James, would bestow his son in marriage upon the Princess Cæcilia of England, when both the parties had arrived at the proper age. Lord Scrope, having then taken the Scottish earl by the right hand, engaged, and, in the same solemn terms, plighted his faith for his master, King Edward of England. After which, the conditions of the treaty upon which the espousals took place, were arranged by the respective commissioners of the two countries, with an enlightened anxiety for their mutual welfare.

It was first declared, that for the better maintenance of peace and prosperity in the "noble isle called Britain," some measures ought to be adopted by the kings of Scotland and England, which should promote a spirit of mutual love between the subjects of both realms more effectually than the common method of a truce, which was scarcely sufficient to heal the cala-

mities inflicted by protracted jealousies and dissensions, followed as they had been by an obstinate war. A more likely method for the settlement of a lasting peace was then declared to be the intended marriage between Prince James and the Lady Cæcilia; and the conditions upon which it had been concluded were enumerated. The truce between the kingdoms, agreed upon first at York in 1464, and afterwards prolonged to 1519, was to be strictly observed by both countries. As the prince was yet only two years old, and the princess four, the two monarchs were to give their solemn word to use every effort to have the marriage celebrated whenever the parties had completed the lawful age. During the life of King James, the prince and princess were to possess the whole lands and rents which belonged to the old heritage of the prince-apparent of Scotland during the lifetime of his father, namely, the duchy of Rothesay, the earldom of Carrick, and the lordship of the Steward's lands of Scotland. With his daughter, the King of England was to give a dowery of twenty thousand marks of English money; and it was lastly agreed, that, in the event of the death of the prince or princess, the heir-apparent of Scotland for the time, should, upon the same terms, marry a princess of England.<sup>1</sup> Such were the principal stipulations of a treaty, which, had it been faithfully fulfilled by the two countries, might have guaranteed to both the blessings of peace, and essentially promoted their national prosperity. At first, too, the English monarch appears to have been extremely solicitous to fulfil the agreement. Two thousand five hundred marks of the dowery of the princess were advanced; and in consequence of some

<sup>1</sup> Rymer, *Fœdera*, vol. xi. p. 821.

remonstrances of the Scottish king regarding the *St Salvator*, a vessel belonging to the see of *St Andrews*, which had been plundered by the English, with another ship, the property of the king himself, which had been captured by a privateer of the Duke of Gloucester, Edward despatched his envoy to the Scottish court, with instructions to meet the Admiral of Scotland, and afford complete redress upon the subject. This mission acquaints us with the singular circumstance that the nobility, and even the monarch, continued to occupy themselves in private commercial speculations, and were in the habit of freighting vessels, which not only engaged in trade, but, when they fell in with other ships similarly employed, did not scruple to attack and make prize of them.<sup>1</sup>

The state of the northern districts, and the continued rebellion of the Earl of Ross, now demanded the interference of government; and a parliament was assembled at Edinburgh, in which this insurgent noble was declared a traitor, and his estates confiscated to the crown. His intimate league with Edward the Fourth, his association with the rebellious Douglasses, and his outrageous conduct in "burning, slaying, and working the destruction of the lands and liege subjects of the king," fully justified the severity of the sentence; but, as the mountain chief continued refractory, a force was levied, and the Earls of Crawford and Athole directed to proceed against him.

The extent of these preparations, which comprehended a formidable fleet, as well as a land army, intimidated Ross, and induced him, through the mediation of Huntley, to petition for pardon. Assured of the favourable disposition of the monarch, he soon

<sup>1</sup> Rymer, *Fœdera*, vol. xi. pp. 820, 850.

after appeared in person at Edinburgh, and with many expressions of contrition, surrendered himself to the royal mercy. The earldom of Ross, with the lands of Knapdale and Kentire, and the office of hereditary Sheriff of Inverness and Nairn, were resigned by the penitent chief into the hands of the king, and inalienably annexed to the crown, whilst he himself was relieved from the sentence of forfeiture, and created a peer of parliament, under the title of John de Isla lord of the Isles.<sup>1</sup> The king had now attained his full majority of twenty-five years, and, according to a usual form, he revoked all alienations in any way prejudicial to the crown, which had been made during his minority, and especially all conveyances of the custody of the royal castles, resuming the power of dismissing or continuing in office the persons to whom they had been committed. He at the same time intrusted the keeping and government of his son, Prince James, to his wife and consort, Margaret queen of Scotland, for the space of five years; and for this purpose delivered to her the castle of Edinburgh, with an annual pension, and full power to appoint her own constable and inferior officers.<sup>2</sup> With the desire of cementing more strongly the friendship with England, a double alliance was proposed. His sister, the Princess Margaret, was to marry the Duke of Clarence; and his brother, the Duke of Albany, the Dowager-duchess of Burgundy, sister to Edward the Fourth. This monarch, however, appears to have courteously waved the proposal,<sup>3</sup> although he seized the opportunity of an intended visit of James to the shrine of St John of Amiens, to request,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 113. "*Baronem Banrentum et Dominum Dominum Parliamenti.*" Ferrerius, p. 393.

<sup>2</sup> Mag. Sig. viii. 80. Feb. 7, 1477.

<sup>3</sup> Letter of Edward IV. to Dr Legh his envoy. *Vespasian*, c. xvi. f. 121, quoted by Pinkerton's History, vol. i. p. 287.

in pressing terms, a personal interview with this monarch. But the Scottish king was induced to delay his pilgrimage, and in obedience to a common practice of the age, caused a large medal of gold to be struck, as a decoration for the shrine of the saint.<sup>1</sup>

Hitherto the reign of this prince had been in no usual degree prosperous, and his administration signalized by various acquisitions, which added strength, security, and opulence to the kingdom. The possession of the Orkneys and Shetland, the occupation of Berwick and Roxburgh, the annexation of the earldom of Ross to the crown, the establishment of the independence and liberty of the Scottish church by the erection of St Andrews into an archbishoprick, the wise and honourable marriage treaty with England, were all events, not only fortunate but glorious. They had taken place, it is true, under the minority of the monarch; they were to be attributed principally to the counsellors who then conducted the affairs of the government; and the history of the country, after the monarch attained his full majority, presents a melancholy contrast to this early portion of his reign. It is difficult, however, to detect the causes which led to this rapid change; and it would be unjust to ascribe them wholly to the character of the king. It must be recollected, that for a considerable time previous to this, the fendal nobility of Europe had been in a state of extraordinary commotion and tumult; and that events had occurred which, exhibiting the deposition and imprisonment of hereditary sovereigns, diminished in the eyes of the aristocracy and of the people the inviolable character of the throne. At this time insurrection had become frequent in almost every corner of Europe; and the removal of

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 53.



the hereditary prince, to make way for some warlike usurper, or successful invader of royalty, was no uncommon occurrence. Men's minds were induced to regard the crime with feelings of far greater lenity than had hitherto been extended to it; whilst the aristocracy, who were the instruments of such revolutions, and shared in the spoils and forfeitures which they occasioned, began to be animated by a consciousness of their own power, and a determination to stretch it to the utmost bounds of illegal aggression and kingly endurance. The revolution in England, which placed Henry the Fourth upon the throne; the subsequent history of that kingdom during the contest between the houses of York and Lancaster; the political struggles of France under Lewis the Eleventh; the relative condition of the greater nobles in Germany, and of the rights of the imperial crown under the Emperor Sigismund; the dissensions which divided the Netherlands; and the civil factions and repeated conspiracies amongst the higher nobles, which agitated the government of Spain, all combine to establish the truth of this remark; and if we remember that the communication between Scotland and the continent was then frequent and widely spread over the kingdom, the powerful influence of such a state of things may be readily imagined.

In addition to such causes of discontent and disorganization, there were other circumstances in the habits of the Scottish nobility, as contrasted with the pursuits of the king, which no doubt precipitated the commotions that conducted him to his ruin. The nobles were haughty and warlike, but rude, ignorant, and illiterate; when not immediately occupied in foreign hostilities, they were indulging in the havock and plunder which sprung out of private feuds; and

they regarded with contempt every pursuit which did not increase their military skill, or exalt their knightly character. At their head were the king's two brothers, the Duke of Albany and the Earl of Mar, men of bold and stirring spirits, and fitted by their personal qualities to be the favourites of the aristocracy. Their noble and athletic figures, and delight in martial exercises; their taste for feudal pomp, for fine horses, and tall and handsome attendants; their passion for the chase, and the splendid and generous hospitality of their establishment, united to the courtesy and gracefulness of their manners, made them universally admired and beloved; whilst Albany concealed under such popular endowments an ambition which, there is reason to believe, did not scruple, even at an early period, to entertain some aspirations towards the throne.

To that of his brothers, the disposition of the king presented a remarkable contrast. It has been the fashion of some historians to represent James as a compound of indolence, caprice, and imbecility; but the assertion is rash and unfounded. His character was different from the age in which he lived, for it was unwarlike; but in some respects it was far in advance of his own times. A love of repose and seclusion, in the midst of which he devoted himself to pursuits which, though enervating, were intellectual, and bespoke an elegant and cultivated mind, rendered him unpopular amongst a nobility who treated such studies with contempt. A passion for mathematics and the study of judicial astrology, a taste for the erection of noble and splendid buildings, an addiction to the science and practice of music, and a general disposition to patronize the professors of literature and philosophy, rather than to surround himself with a

crowd of fierce retainers ; such were the features in the character of this unfortunate prince, which have drawn upon him the reprobation of most of the contemporary historians, but which he possessed in common with some of the most illustrious monarchs who have figured in history.<sup>1</sup> This turn of mind, in itself certainly rather praiseworthy than the contrary, led to consequences which were less excusable. Aware of the impossibility of finding men of congenial tastes amongst his nobles, James had the weakness, not merely to patronize, but to exalt to the rank of favourites and companions, the professors of his favourite studies. Architects, musicians, painters, and astrologers, were treated with distinction, and admitted to the familiar converse of the sovereign ; whilst the highest nobles found a cold and distant reception at court, or retired with a positive denial of access. Cochrane, an architect, or, as he is indigantly termed by our feudal historians, a mason ; Rogers, a professor of music ; Ireland, a man of literary and scientific acquirements, who had been educated in France, were warmly favoured and encouraged ; whilst, even upon such low proficientes as tailors, smiths, and fencing-masters, the treasures, the smiles and encouragement of the monarch were profusely lavished. Disgusted at such conduct in the sovereign, the whole body of the aristocracy looked up to the brothers, Albany and Mar, as the chief supports of the state ; and as long as the king continued on good terms with these popular noblemen, the flame of discontent and incipient revolution was checked at least, though far from extinguished. But in the ambitious contests for power, and in the sanguinary collisions

<sup>1</sup> Ferrerius, p. 391.

of jurisdiction, which were of frequent occurrence in a feudal government, it was to be dreaded that some event might take place which should have the effect of transforming Albany from a friend into an enemy, and it was not long before these fears were realized.

The government of Berwick, and the wardenship of the eastern marches, had been committed to this war-like prince by his father, James the Second, from whom he had also inherited the important earldom of March, with the key of the eastern border, the castle of Dunbar.<sup>1</sup> In the exercise of these extensive offices, a rivalry had sprung up between Albany and the powerful family of the Humes, with their fierce allies the Hepburns; and their resistance to his authority was so indignantly resented by the warden, that his enemies, to save themselves from his vengeance, attached Cochrane, the king's favourite, to their party, and, by his advice and assistance, devised a scheme for his ruin. At this period, a belief in astrology and divination, and a blind devotion to such dark studies, was a predominant feature of the age. James himself was passionately addicted to them; and Schevez, the archbishop of St Andrews, who had received his education at Louvaine, under Spornicus, a famous astrologer of the time, had not scrupled to employ them in gaining an influence over the king, and in furthering those ambitious schemes by which he intruded himself into the primacy. Aware of this, Cochrane, who well knew the weakness of his sovereign, insinuated to his new allies, the Humes, that they could adopt no surer instrument of working upon the royal mind than witchcraft. One Andrews, a Flemish astrologer, whom James had prevailed upon

<sup>1</sup> Pitscottie, Hist. p. 115.

to reside at his court, was induced to prophesy that a lion would soon be devoured by his whelps; whilst a prophetess, who used to haunt about the palace, and pretended to have an intercourse with a familiar spirit, brought the information that Mar had been employing magical arts against the king's life,<sup>1</sup> and that her familiar had informed her the monarch was destined to fall by the hands of his nearest kindred. The warm affection which James entertained for his brothers at first resisted these machinations; but the result showed that Cochrane's estimate of his sovereign's weakness was too true. His belief in the occult sciences gave a force to the insinuation; his mind brooded over the prophecy; he became moody and pensive; shut himself up amidst his books and instruments of divination; and admitting into his privacy only his favourite adepts and astrologers, attempted to arrive at a clearer delineation of the threatened danger. To Cochrane and his brother conspirators, such conduct only afforded a stronger hold over the distempered fancy of the monarch; whilst the proud character of Albany, and his violent attack upon the Humes, were represented by his enemies as confirmations of that conspiracy against his royal brother which was to end in his deposition and death. That Albany at this moment entertained serious designs against the crown, cannot be made out by any satisfactory evidence; but that his conduct in the exercise of his office of warden of the marches was illegal and unjustifiable, is proved by authentic records. Instead of employing his high authority to establish the peace of the borders, he had broken the truce with England by repeated slaughters and plundering expeditions; whilst within his own country he

<sup>1</sup> Ferrerius, p. 393. Lesley's *History of Scotland*, p. 43. Buchanan, book xii. chap. 37.

had assaulted and murdered John of Scougal, and surrounded himself by a band of desperate retainers, who executed whatever lawless commission was intrusted to them. Such conduct, combined with the dark suspicions under which he laboured, effectually roused the king; and Albany, too confident in his power and his popularity, was suddenly seized and committed to confinement in the castle of Edinburgh.<sup>1</sup>

Immediately after this decided measure, a parliament assembled, in which the three estates, with the laudable design of strengthening the amity with England, granted to the king a subsidy of twenty thousand marks, for the purpose of bringing to a conclusion the intended marriage between the Princess Margaret, his sister, and Lord Rivers, brother-in-law to Edward. The divided and distracted state of the country is strikingly depicted by the simple enumeration of the matters to which the Lords of the Articles were commanded to direct their attention. They were to labour for the removal of the grievous feuds and commotions, which in Angus had broken out between the Earls of Angus and Errol, the Master of Crawford and Lord Glamis; they were to attempt to put down the rebellion in Ross, Caithness, and Sutherland; to persuade to an amicable understanding the Lairds of Caerlaverock and Drumlanrig, who were at deadly feud in Annandale; to bring within the bonds of friendship the Turnbulls and the Rutherfords of Teviotdale; and to promote a reconciliation between the sheriff of this district and the Lord Cranstoun.<sup>2</sup> The subject of coinage, the state of the commerce of the country, and the expediency of a renewal of the negotiations with the court of Burgundy, were likewise recommended

<sup>1</sup> Lealey's History of Scotland, p. 43. Buchanan, book xii. chap. 39.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 122.

for their consideration; but in the midst of their deliberations, Albany found means to elude the vigilance of his guards, and to escape from the castle of Edinburgh, an event which threatened to plunge the kingdom into a civil war.<sup>1</sup> The duke immediately retreated to his fortress of Dunbar, where he concentrated his force; appointed Ellem of Butterden his constable; and by increasing his military stores, and enlisting in his service some of the fiercest of the border chieftains, seemed determined to hold out to the last extremity. The power of the king, however, soon after shook his resolution, and he took a rapid journey to France, with the design of procuring assistance from Lewis the Eleventh, and returning to Scotland at the head of a band of foreign auxiliaries. In this, however, he was unsuccessful. He was received, indeed, by the French monarch with distinction; but Lewis steadily refused to adopt any part against his brother and ally of Scotland, or to assist Albany in his unnatural rebellion.<sup>2</sup>

In his conduct at this moment, James exhibited a decision and an energy which vindicates his character from the charge of indolence or imbecility, so commonly brought against him. He despatched the chancellor, Evandale, at the head of a strong force, to lay siege to Dunbar, which, after a spirited defence of some months, was delivered up to the royal arms. A train of rude artillery accompanied the army upon this occasion. The construction of cannon, and the proper method of pointing and discharging them, appear, from contemporary records, to have been one of the subjects to which not only the king himself directed particular attention, but which he anxiously encou-

<sup>1</sup> Lesley's History of Scotland, p. 43.

<sup>2</sup> Duclos. Hist. de Lewis XI. vol. ii. p. 308.

raged in his nobility, and even amongst his clergy. Artillerymen and skilful artisans were procured from the continent; and some of the principal entries in the treasurer's books at this period relate to the experiments made in the practice of gunnery, an art still in its infancy in Scotland. In the present siege of Dunbar, the uncommon strength of the walls withstood for some months the artillery of the besiegers; but, on the opposite side, the cannon mounted on the ramparts of the castle appear to have been well served and pointed, —a single ball at one moment striking dead three of the best knights in the army, Sir John Colquhoun of Luss, Sir Adam Wallace of Craigie, and Sir James Shaw of Sauchie.<sup>1</sup> When at last Evandale made himself master of the castle, he found that the governor and the greater part of the garrison, availing themselves of its communication with the sea, had escaped in boats, and taken refuge in England from the fury of their enemies. It was not so easy for them, however, to escape the severe process of the law; and a parliament was summoned to carry it into immediate execution. Albany, who was still in France, was solemnly cited at the market-cross of Edinburgh and before the gates of his castle of Dunbar, to appear and answer to a charge of treason; whilst many of his boldest friends and retainers, Ellem of Butterden, George Home of Polwarth, John Blackbeird, Pait Dickson the laird, and Tom Dickson of the Tower, were summoned at the same time, and upon a similar accusation.<sup>2</sup>

Previous to the meeting of the three estates, however, an embassy arrived from Lewis the Eleventh, the object of which was to persuade the Scottish

<sup>1</sup> Lesley, History, p. 43.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 128.



monarch to pardon his brother, and to assist the French king in the war which Edward the Fourth meditated against him, by the usual method of infringing the truce, and producing a hostile diversion on the side of the English borders. The ambassador on this occasion was Dr Ireland, a Scottish ecclesiastic of great literary acquirements, who had been educated in France, and in whose conversation the king took so much delight, that he had anxiously endeavoured to fix him at his own court. Personally disposed, however, as he was to be pleased with the envoy, the circumstances in which the king was then placed rendered it extremely difficult to break with England. The marriage treaty which had been concluded between the Princess Cæcilia, Edward's daughter, and the heir-apparent to the Scottish throne, had been sanctioned and ratified by the payment of three instalments of the dowry.<sup>1</sup> Another royal marriage also, that of the Princess Margaret of Scotland to the Earl of Rivers, was on the eve of being concluded; and Edward had lately granted passports not only to this noble lady, but to James himself, who, with a suite of a thousand persons, contemplated a pilgrimage to the shrine of St John of Amiens. These were powerful obstacles in the way of any rupture of the truces, and with the greater part of the nobility the renewal of a war with England was equally unpopular and unpolitic; but the attachment of the king to the ancient league with France prevailed; and although there is undoubtedly no evidence of the fact, a conjecture may be hazarded, that James had detected, at an earlier period than is generally supposed, the existence of certain intrigues between Edward the Fourth and the Duke of Albany,

<sup>1</sup> Rymer, *Fœdera*, vol. xii. pp. 40, 41.

which are proved by authentic documents to have taken place in the succeeding year.

It does not appear that the conduct of the Scottish monarch at this trying conjuncture is deserving of the reprobation with which it has been visited by some historians: to Albany, who had been guilty of treason, it was almost generous. He did not indeed agree to the request of Lewis in granting him an unconditional pardon, but he adjourned the process of forfeiture from time to time, in the hopes that he might in the interval return to his allegiance, and render himself deserving of the royal clemency; and the same lenient measure was adopted in the case of his offending vassals and retainers. Against Mar, indeed, his younger brother, who was accused of using magical arts for the purpose of causing the king's death, the royal vengeance broke out with rapid and overwhelming violence; but the death of this accomplished and unfortunate prince is involved in much obscurity. It is asserted by Lesley and Buchanan, that he was suddenly seized by the king's order and hurried to Craigmillar, and that at the same time many witches and wizards, whom he had been in the habit of consulting upon the surest means of shortening the life of the monarch, were condemned to the flames.<sup>1</sup> The evidence derived from these unhappy wretches, left no doubt of the guilt of the prince; and the choice of his death being given him, he is said to have preferred that of Petronius, directing his veins to be opened in a warm bath. In opposition to this tale of our popular historians, a more probable account is given by Drummond of Hawthornden, derived, as he affirms, from the papers of Bishop Elphinston, a contemporary

<sup>1</sup> Old Chronicle at the end of Winton, printed by Pinkerton. Hist. vol. i. p. 503. Lesley's Hist. pp. 43, 44.

of high character. According to his version of the story, before James had fixed on any definite plan of punishment, Mar, from the violence of his own temperament, and the agitation attendant upon his seizure, was attacked by a fever, which soon led to delirium. In this alarming state, he was removed, by the king's command, from Craigmillar to a house in the Canon-gate at Edinburgh, where he was carefully attended by the royal physicians, who, to reduce the frenzy, opened a vein in his arm and in his temple. This, however, proved the cause of his death; for the patient, when in the warm bath, was attacked by an accession of his disorder, and furiously tearing off the bandages, expired from weakness and exhaustion before any styptic could be applied. The silence of the faction of the nobles which afterwards deposed the king, upon the subject of Mar's death, at a moment when they were eager to seize every method to blacken the conduct of their sovereign, seems to corroborate the truth of this story.<sup>1</sup>

But although innocent of his death, James considered the treason of his brother as undeserving the leniency which he still extended to Albany; and the rich earldom of Mar was forfeited to the crown. In the midst of these transactions, Edward the Fourth, who for some time had forgotten his wonted energy in a devotion to his pleasures, began to rouse himself from his lethargy, and to complain of the duplicity of Lewis and the treachery of James, with a violence which formed a striking contrast to the quietude of his late conduct.

Nor can we be surprised at this burst of indignation, and the sudden resolution for war which accom-

<sup>1</sup> Drummond's *History of the Jameses*, p. 48.

panied it. He found that Lewis, who had amused him with a promise of marriage between the Dauphin of France and his daughter the Princess Elizabeth, had no serious intention of either accepting this alliance, or fulfilling the treaty upon which it proceeded: he discovered that this crafty prince had not only proved false to his own agreement, but had corrupted the faith of his Scottish ally. Unnecessary and suspicious delays had occurred to prevent the intended marriage between James's sister and her affianced husband the Earl of Rivers; and the same monarch, who had already received three payments of the dowery of the Princess Cæcilia, Edward's daughter, in contemplation of the marriage between this lady and his eldest son, instead of exhibiting a friendly disposition, had begun to make preparations for war, and to exhibit unequivocal intentions of violating the truce, and invading his dominions.<sup>1</sup>

Upon the part of the Scottish king, this conduct was unwise; and it is easy to see, that in his present resolution to engage in a war with England, James allowed himself to be the dupe of the French monarch, and shut his eyes to the best interests of his kingdom. He was unpopular with the great body of his nobility: they despised his studious and secluded habits; they regarded with the eyes of envy and hatred the favourites with whom he had surrounded himself, and the pacific and elegant pursuits to which he was addicted. The kingdom was full of private war and feudal disorder; the church had been lately wounded by schism; and the lives of some of the higher clergy, under the loose superintendence of Schevez, who, on the death of the unfortunate and virtuous Graham, had succeeded

<sup>1</sup> Rymer, vol. xii. pp. 41, 115.

to the primacy, were careless and corrupt. Nothing could be more injurious to a kingdom thus situated than to add to its internal distresses the misery of foreign war; and indeed if there was one cheering circumstance in the aspect of public affairs, it was in the prospect of peace with England. The happy effects of a long interval of amity between the two kingdoms were beginning to be apparent in the diminution of that spirit of national animosity which had been created by protracted war; and now that the nation was no longer threatened with any designs against its independence, it must have been the earnest wish of every lover of his country that it should remain at peace. So much, indeed, was this the conviction of one of James's most faithful counsellors, Spence bishop of Aberdeen, that after presenting a strong protestation against the war; after explaining that a continuance of peace could alone give stability to the government, and secure the improvement and the happiness of the nation, he was so overpowered with grief when he found his remonstrances neglected, that he fell into a profound melancholy, from which he never recovered.<sup>1</sup>

Both countries having thus resolved on hostilities, Edward appointed his brother the Duke of Gloucester, afterwards known as Richard the Third, to the office of lieutenant-general of the north, with ample powers to levy an army, and conduct the war against Scotland. Meanwhile, before Gloucester could organize his force, the Earl of Angus broke across the marches at the head of a small army of borderers. To these men, war was the only element in which they enjoyed existence; and with the celerity and cruelty which marked their military operations, they ravaged Nor-

<sup>1</sup> Lesley's History of Scotland, p. 44.

thumberland for three days, burnt Bamborough, plundered the villages and farm granges, and drove before them their troops of prisoners and cattle without any attack or impediment.<sup>1</sup> Roused by this insult, and by the intelligence that the King of Scotland was about to invade his dominions in person, Edward hastened his preparations; issued orders for the equipment of a fleet against Scotland; entered into a negotiation with the Lord of the Isles and Donald Gorm, whose allegiance was never steady except in the immediate prospect of death and confiscation; and aware of the desperate condition of Albany, who was still in France, the English monarch, by private messages, in which he held out to him the prospect of dethroning his brother, and seizing the crown for himself, attached this ambitious prince to his service, and prevailed upon him to sacrifice his allegiance, and the independence of his country, to his ambition and his vengeance.<sup>2</sup>

Nothing could be more ungrateful than such conduct in Albany. The process of treason and forfeiture which had been raised against him in the Scottish parliament, had, with much leniency and generosity upon the part of the king, been suffered to expire, and an opportunity thus afforded for his return to his former power and station in the government. Having divorced his first wife, a daughter of the potent house of Orkney, he had married in France the Lady Anne de la Tour, daughter of the Count d'Auvergne; and there can be little doubt that the friendship of the French monarch had a principal effect in prevailing on his ally James to suspend the vengeance of the law, and hold out to the penitent offender the hope of pardon.

<sup>1</sup> Chronicle at the end of Winton, in Pinkerton, Hist. vol. i. p. 503 Rymer, vol. xii. p. 117.

<sup>2</sup> Rymer, *Fœdera*, vol. xii. p. 140.

But Albany, actuated by pride and ambition, disdained to sue for mercy; and without hesitation, entering into the proposed negotiation, threw himself into the arms of England.

In the meantime, the Scottish monarch deemed it necessary to assemble his parliament, and to adopt vigorous measures. The wardenry of the east marches was committed to the Earl of Angus, that of the west to Lord Cathcart; the fortresses of Dunbar and Lochmaben were strongly garrisoned and provisioned; the border barons, and those whose estates lay near the sea, were commanded to repair and put into a posture of defence their castles of St Andrews, Aberdeen, Tantallon, Hailes, Dunglass, Hume, Edrington, and the Hermitage; the whole body of the lieges were warned to be ready, on eight days' notice, to assemble under the royal banner, in their best array, with bows, spears, axes, and other warlike gear, and to bring with them provision for twenty days. A penalty was imposed on any soldier whose spear was shorter than five ells and a-half; every axe-man, who had neither spear nor bow, was commanded to provide himself with a targe made of wood or leather, according to a pattern to be sent to the sheriff of the county;<sup>1</sup> and all former statutes concerning the regular military musters, or "weapon-schawings," were enjoined to be rigidly observed. A tax of seven thousand marks was at the same time ordered to be levied for the victualling and defence of the town of Berwick, which was threatened with a siege by England.

Having finished these preparations, James despatched an envoy to the English monarch, with a request that he would abstain from granting aid to

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 132, 133.

the Duke of Burgundy, otherwise he should esteem it his duty to send assistance to the King of France. He at the same time commissioned a herald to deliver a remonstrance to Edward in a personal interview; but this prince treated the messenger with haughty neglect, detained him long, and at last dismissed him without an answer. Indignant at such conduct, James assembled his army, and advanced in great strength to the frontiers. A singular and unexpected event, however, interrupted the expedition. Before the Scottish monarch had crossed the borders, a nuncio from the cardinal legate, who then resided in England, arrived in the camp, and exhibiting the papal bull, commanded the king, under pain of excommunication, to abstain from war, and to beware of the violation of that peace which the holy see had enjoined to be observed by all Christian princes, that they might unite their strength against the Turks and the enemies of Christendom. To this remonstrance, the Scottish king found himself obliged to pay obedience; and the army, which was numerous and well appointed, was immediately disbanded. The king, to use the words of the parliamentary record, dispersed his great host, which had been gathered for the resistance and invasion of his enemies of England, at the request and monition of the papal bulls shown him at the time, in the hope and trust that his enemies would have been equally submissive to the command of their holy father.<sup>1</sup> In this expectation, however, he was disappointed. To the papal bulls, or the remonstrances for the preservation of the peace of Christendom, Edward paid no regard. Berwick was vigorously, though ineffectually, attacked; and the English army broke

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 138.



across the borders, carrying fire, bloodshed, and devastation, into the country; whilst a squadron of English ships appeared in the Forth, but were gallantly repulsed by Andrew Wood of Leith, whose maritime skill and courage raised him afterwards to the highest celebrity as a naval commander.<sup>1</sup>

But these open attacks were not so dangerous as the intrigues by which Edward contrived to seduce from the cause of their sovereign the wavering affections of some of the most powerful of the Scottish nobility. The banished Duke of Albany had, it may be believed, many friends at court; and Edward, having recalled him from France, determined to carry into immediate execution his project for the dethronement of the present King of Scotland, and the substitution of his brother in his stead. These designs, in which the English monarch was supported by the banished Earl of Douglas, the Lord of the Isles, Donald Gorm, and, not long after, by many others of the Scottish nobility, led to an extraordinary treaty between Albany and Edward, which was concluded at Fotheringay castle.<sup>1</sup> In this the Scottish prince at once assumed the title of Alexander king of Scotland, by the gift of Edward the Fourth, king of England. He then bound himself and his heirs to assist that monarch in all his quarrels against all earthly princes or persons; he solemnly engaged to swear fealty and perform homage to Edward within six months after he was put in possession of the crown and the greater portion of the kingdom of Scotland; to break the confederations which had hitherto existed between Scotland and the realm of France; to deliver into the hands of England the town and castle of Berwick, the castle of Lochmaben,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 138, 139.

<sup>2</sup> On June 10, 1482. Rymer, *Fœdera*, vol. xii. pp. 164, 166.

and the counties of Liddesdale, Eskdale, and Annandale; whilst, in the last place, he promised, if, according to the laws of the Christian church, he could make himself "clear of other women," that within a year he should marry the Lady Cæcilia, King Edward's daughter; the same princess who was already espoused to the heir-apparent of Scotland, Prince James. In the event, however, of its being found impossible to carry into execution this contemplated alliance, he stipulated that he would not marry his son and heir, "if any such there be," without the consent of King Edward.<sup>1</sup>

In return for these obligations, by which Albany basely consented to sacrifice the independence of his country, the English monarch engaged to assist the duke in his designs for the occupation of the realm and crown of Scotland; and both these remarkable papers, which are yet preserved in the tower, bear the signature Alexander R. (Rex,) evincing that Albany lost no time in assuming that royal name and dignity to which he so confidently aspired. But these were not the only dangers to which the King of Scotland was exposed. There was treachery at work amongst his nobles, and in his army. The Earl of Angus, one of the most powerful men in the country, Lord Gray, and Sir James Liddal of Halkerston, appear to have been nominated by Albany as his commissioners, to complete those negotiations with the English monarch, of which only the rude outline was drawn up in Fotheringhay castle.

Angus was warden of the eastern marches, and, as such, possessed on that side the keys of the kingdom. To the common feudal qualities of courage and cruelty, this chief united a haughty pride of birth, and a con-

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 156.

tempt for those intellectual studies to which his sovereign was so deeply devoted. His high offices, his opulence, and his magnificent establishment, made him popular; and, by what means it is now difficult to discover, he succeeded in organizing a conspiracy in conjunction with Edward and Albany, which included within its ranks the most powerful persons amongst the Scottish aristocracy, and had for its object the delivery of the monarch into the hands of his enemies. The Earls of Huntley, Lennox, Crawford, and Buchan; the Lords Gray, Hailes, Hume, and Drummond, with certain bishops whose names are not recorded, assembled their forces at the command of the king, but with the secret determination to desert him. It happened unfortunately for the prince, who was thus marked out for destruction, that he had at this moment lavished upon his favourite Cochrane the principal revenues of the earldom of Mar, and had imprudently raised this low-born person to an influence in the government, which made him an object of envy and hatred. These bitter feelings were increased by some unpopular counsel given at this time to the king. At a season of great dearth, he is said to have persuaded him to imitate the injurious device practised by other European princes, of debasing the current coin by an issue of "black money," or copper pieces, mixed with a small quantity of silver, which increased the public distress, and raised the price of all the necessities of life.<sup>1</sup> To the people, therefore, he was peculiarly obnoxious: to the barons not less so; and his character and conduct aggravated this enmity. Possessing a noble figure, and combining great personal strength

<sup>1</sup> Chronicle at the end of Winton, in Pinkerton's History, vol. i. p. 503. Ruddiman's Preface to Anderson's Diplomata, pp. 145, 146, of the English translation, Edinburgh, 1773.

and skill in the use of his weapons, with undaunted bravery, he fearlessly returned the feudal chiefs the scorn with which they regarded him. In the splendour of his apparel and establishment he eclipsed his enemies ; and it is not improbable that the king was weak and shortsighted enough to enjoy the mortification of his nobility, little aware of the dark plot which, at that moment, was in agitation against him.

Angus and the rest of the conspirators determined to disguise their real design for the dethronement of their sovereign, under the specious cloak of a zeal for reforming the government, and dismissing from the royal councils such unworthy persons as Cochrane and his companions. Having matured their plans, the English monarch commanded his brother, the Duke of Gloucester, to assemble his army ; and this able leader, along with Albany and Douglas, advanced at the head of a great force, accompanied by a park of artillery, to the siege of Berwick. Being informed of this procedure, James commanded a muster of the whole force of his dominions in the Borough Muir, an extensive common to the west of Edinburgh ; and, without the slightest suspicion of the base intentions of the conspirators, proceeded with his army, which amounted to fifty thousand men, first to Soutra, and from thence to Lauder. Cochrane, who, either in derision, or from his own presumption, was known by the title of Earl of Mar, commanded the artillery, and by the unusual splendour of his camp furniture, provoked still further the envy of the nobles.<sup>1</sup> His tent or pavilion was of silk ; the fastening chains were richly gilt ; he was accompanied by a body-guard of three hundred stout retainers, in sumptuous liveries, and armed with light battle-axes ; a helmet of polished steel, richly inlaid

<sup>1</sup> Ferrerius, pp. 395, 396.

with gold, was borne before him ; and when not armed for the field, he wore a riding suit of black velvet, with a massive gold chain round his neck, and a hunting horn, tipt with gold and adorned with precious stones, slung across his shoulder.

On reaching Lauder the Scottish army encamped between the church and the village ; and the principal leaders, next morning, having secretly convoked a council, without sending any communication either to the sovereign or to his favourite, proceeded to deliberate upon the most effectual method of betraying their master, and fulfilling their promises to Edward and Albany. In the course of this debate, all were agreed that it would be expedient to rid themselves, without delay, of the hated Cochrane. His well-known courage, his attachment to the king, and the formidable force which he commanded, rendered this absolutely necessary. They hesitated, however, as to the best mode for his seizure ; and, amid the general embarrassment and uncertainty, Lord Gray introduced the well-known apologue of the mice having agreed, for the common safety, that a bell should be suspended round the neck of their tyrannic enemy the cat, but being thrown into great perplexity when it came to the selection of one bold enough to undertake the office. "Delay not as to that," cried Angus, with his characteristic audacity ; "leave me to bell the cat!"—a speech which has procured for him, from the Scottish historians, the homely appellative of Archibald Bell-the-cat. It happened, by a singular coincidence, that at this critical moment Cochrane himself arrived at the porch of the church where the leaders were assembled, under the idea, probably, that it was a council of war in which they were engaged, and fatally ignorant of the subject of their deliberations. He

knocked loudly, and Douglas of Lochleven, who kept the door, inquired who it was that so rudely demanded admittance. "It is I," said he, "the Earl of Mar."—"The victim has been beforehand with us," cried Angus, and stepping forward bade Douglas unbar the gate to their unhappy visiter, who entered carelessly, carrying a riding whip in his hand, and in his usual splendid apparel. "It becomes not thee to wear this collar," said Angus, forcibly wrenching from his neck the golden chain which he wore; "a rope would suit thee better."—"And the horn too," added Douglas, pulling it from his side; "he has been so long a hunter of mischief that he needs must bear this splendid bauble at his breast." Amidst such indignities, Cochrane, a man of intrepidity, and not easily alarmed, was for a moment doubtful whether the fierce barons who now crowded round him were not indulging in some rude pastime. "My lords," said he, "is it jest or earnest?" a question which he had scarcely put when his immediate seizure effectually opened his eyes to the truth. His hands were tied; his person placed under a guard, which rendered escape impossible; and a party was instantly despatched to the royal tent. They broke in upon the monarch; seized Rogers, his master of music, and others of his favourites, with whom he was surrounded, before a sword could be drawn in their defence; and James, who appears to have been unaccountably ignorant of the plots which had been so long in preparation against him, found himself, in the course of a few moments, a prisoner in the hands of his subjects, and beheld his friends hurried from his presence, with a brutality and violence which convinced him that their lives would be instantly sacrificed.<sup>1</sup> Nor was it long before

<sup>1</sup> *Lesley's History of Scotland*, p. 48. Illustrations, P.

his anticipations were realized. The moment the royal person was secured, the conspirators dragged Cochrane to the bridge of Lauder. It is said that this unfortunate minion besought his butchers not to put him to death like a dog, with a common rope, but at least to gratify him by using one of the silk cords of his tent equipage; but even this was denied him, and he was hanged by a halter over the parapet of the bridge. At the same moment, Dr Rogers, a musician of great eminence, whose pupils were famous in Scotland at the time that Ferrerius composed his history,<sup>1</sup> shared a similar fate; and along with them, Hommil, Torphichen, Leonard, Preston, and some others, whose single fault seems to have been their low birth and the favour with which the king regarded their talents, were put to death with the like cruel and thoughtless precipitation. When they had concluded this disgraceful transaction, the nobles disbanded the army, leaving their country exposed to the advance of the English under Gloucester and Albany; and having conveyed their sovereign to the capital, they shut him up in the castle of Edinburgh.<sup>2</sup>

The consequences of this base conduct were, for the time, fatal to the kingdom. Berwick, whose trade formed one of the richest sources of the Scottish revenue, fell into the hands of the English; and Gloucester advanced to the capital through a country where there was no army to resist him. The Duke of Albany now deemed himself secure of the crown; and the Earl of Angus, possessed of the person of the king, awaited only a full deliberation with the English commander, to complete the revolution by the dethrone-

<sup>1</sup> Ferrerius, p. 395.

<sup>2</sup> Chronicle at the end of Winton, in Pinkerton's History, vol. i. p. 503. July 1482.

ment of his sovereign. But although the whole body of the Scottish nobility had united willingly with Angus, and even lent their assistance to Albany and Edward to complete the destruction of Cochrane and the king's favourites, Angus had hitherto concealed from them the darker portion of the plot; and when hints were thrown out as to his real intentions—when it was obscurely proposed that the Duke of Albany should be placed upon the throne, and their rightful sovereign deposed—he immediately discovered that he could no longer reckon upon the support of the nobles in his ultimate designs. The very idea seems to have caused an immediate separation of parties; and the friends of the government and of the sovereign, suspicious of a leader who began to speculate on treason, withdrew themselves from Angus, and collected an army near Haddington, with which they determined to keep in check the further proceedings of Albany and Gloucester.<sup>1</sup>

It was fortunate for these barons that the full extent of their baseness—the convention at Fotheringay, the assumption of the title of king, the sacrifice of the superiority and independence of the country—were not then revealed; and that, having been convinced that a coalition with the royal party was absolutely necessary, they had not so far betrayed themselves as to render it impossible. A negotiation was accordingly opened, in which Schevez archbishop of St Andrews, and Livingston bishop of Dunkeld, along with Evandale, the chancellor, and the Earl of Argyle, undertook the difficult task of promoting a union between the two parties, and effecting a reconciliation between Albany and his royal brother.<sup>2</sup> It was impossible for these

<sup>1</sup> Lealey's *History of Scotland*, p. 49.

<sup>2</sup> Rymer, *Fœdera*, vol. xii. p. 160.



leaders to act under a commission from the king; for since the disastrous execution of his favourites at *Lauder*, this unfortunate prince had been imprisoned in the castle of *Edinburgh*, under the care of his two uncles, the Earls of *Athole* and *Buchan*. They engaged, therefore, on their own authority, to procure a pardon for *Albany*, and a restoration to his estates and dignities, provided he was content to return to his allegiance, and assist his sovereign in the government of his realm, and the maintenance of justice. The friends of the duke, with the exception of those whose names had already been marked in the act of parliament, were to be included in the indemnity; and to these conditions they engaged, by the same deed, to procure the consent of the king, and the confirmation of the three estates.<sup>1</sup>

To such an agreement, it may readily be believed that *Albany* was not loath to accede. It extricated him, indeed, from a situation which was not a little perilous; for he found himself unpopular amongst the nobles, and trembled lest circumstances might reveal the full extent of his baseness; whilst *Gloucester*, discovering that the schemes of the duke for the dethronement of his brother, and the sacrifice of the independence of the country, had excited an odium for which he was not prepared, determined to withdraw his army, and to be satisfied with the surrender of *Berwick* as the fruit of the campaign.<sup>2</sup> There was no difficulty, therefore, in effecting a full reconciliation between *Albany* and the king's party, which was headed by the Chancellor *Evandale*, and the prelates of *St Andrews* and *Dunkeld*. But it was found a less easy task to reduce to obedience the Earls of *Athole* and *Buchan*, who commanded the castle of *Edinburgh*, and retained possession of the

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 161.

<sup>2</sup> *Ibid.* p. 162.

person of the sovereign. These chiefs were the sons of Sir James Stewart, the Black Knight of Lorn, by Joanna, queen-dowager of James the First; and if we are to believe the assertions of the king himself, they not only kept the most jealous watch over his person, but would actually have slain him, had he not been protected by Lord Darnley and other barons, who remained beside him, and refused either by night or day to quit his apartment.<sup>1</sup> It may be doubted, however, whether the documents in which these facts appear present us with the whole truth; and it seems highly probable, that, amid the dark and complicated intrigues which were carried on at this moment amongst the Scottish nobles, the faction of Athole and Buchan, instead of having a separate interest from Albany, were only branches of the same party, and kept possession of the king's person, that the duke, by the eclat of delivering his sovereign from imprisonment, might regain somewhat of the popularity which he had lost. It is certain, at least, that Albany, upon his restoration to his former high offices of warden of the east and west marches, and lord high admiral, immediately collected an army, and laid siege to Edinburgh castle. The English army<sup>2</sup> at the same time commenced its retreat to England; and the burgesses of Edinburgh, anxious to re-establish a good understanding between the two countries, agreed to repay to Edward the sum which had been advanced as the dowery of the Lady Cæcilia, his daughter, provided he should think it expedient to draw back from the proposed marriage between this princess and the heir-apparent of the Scottish throne.<sup>3</sup> In reply to this, Edward intimated his resolution that the intended alliance should not take place; and, in

<sup>1</sup> Mag. Sig. x. 44. Oct. 19, 1482.

<sup>2</sup> Lesley's History of Scotland, p. 49.

<sup>3</sup> Rymer, vol. xii. p. 161.

terms of their obligation, the full amount of the dowery already paid was re-transmitted by the citizens to England. In the meantime, after a decent interval of hostilities, the Earls of Athole and Buchan thought proper to capitulate; and the castle of Edinburgh, with its royal prisoner, was delivered into the hands of the Duke of Albany, who now became the keeper of the sovereign, and, in concert with an overwhelming party of the nobility, assumed the direction of the government.<sup>1</sup>

The unhappy king, thus transferred from a prison only to fall under a durance still more intolerable, had yet left to him a few friends in the Archbishop of St Andrews, the Chancellor Evandale, and the Earl of Argyre; but, for the present, it was impossible for them to make any effectual stand against the power of Albany, and they fled precipitately to their estates. Evandale was in consequence deprived of the chancellorship, which was conferred upon Laing bishop of Glasgow; whilst Andrew Stewart, an ecclesiastic, and brother to the Earls of Athole and Buchan, was presented to the bishoprick of Moray, and promoted to the office of keeper of the privy seal.

A parliament now assembled at Edinburgh, and all was conducted under the control of the Duke of Albany. The sovereign was treated with the greatest harshness; at times, being actually in fear of his life, he found himself compelled to affix his signature and authority to papers which gave the falsest views of the real state of affairs; and it is curious to trace how completely the voice of the records was prostituted to eulogize the conduct of Albany and his friends. The monarch was made to thank this usurper in the warm-

<sup>1</sup> Lealey, *History of Scotland*, p. 50.

est terms for his delivery from imprisonment, and the abettors of the duke in his treasonable assumption of the supreme power were rewarded, under the pretence of having hazarded their lives for the protection of the king.<sup>1</sup>

At the request of the three estates, the king, upon the plea of its being improper for him to expose his person to continual danger in defence of his realm against its enemies, was recommended to entreat the Duke of Albany to accept the office of lieutenant-general of the kingdom, with a provision to meet the great expenses which he must incur in the execution of its duties. By conferring this high office upon his brother, the sovereign was in reality compelled to be the instrument of superseding his own authority, and declaring himself unworthy of the crown. But this was not all. The extensive earldom of Mar and Garioch was deemed a proper remuneration for the services of the lieutenant-general in delivering his sovereign from imprisonment, and the principal offices in the government appear to have been filled by his supporters and dependants.<sup>2</sup> Nor did he neglect the most likely methods of courting popularity. Privileges were conferred on the provost and magistrates of the

<sup>1</sup> It is evident that the whole of the acts of this parliament, 2d December, 1482, the charters which passed the great seal, and the various deeds and muniments which proceeded from the great officers of the crown, ought to be viewed with the utmost suspicion by the historian. They are not only the depositions of parties in their own favour, but they are the very instruments by which they sacrificed the public good, the liberty of the lieges, and the property of the crown, to their own aggrandizement; and amid such a mass of intentional misrepresentation and error, it would be vain to look for the truth.

<sup>2</sup> Acts of the Parliament of Scotland, p. 143. Mag. Sig. x. 32. December 2, 1482. The expressions employed in the royal charter are evidently dictated by Albany himself. It is granted to him "for the faith, loyalty, love, benevolence, brotherly tenderness, piety, cordial service, and virtuous attention," manifested in freeing the king's person from imprisonment.

capital; the burgesses of the city were lauded for their fidelity to the king; the office of heritable sheriff within the town was conferred upon their chief magistrate; and his rights in exacting customs, and calling out the trained bands and armed citizens beneath a banner presented to them on this occasion, and denominated the Blue Blanket, were considerably extended.<sup>1</sup>

Sensible of the strong spirit of national enmity which still existed between the two countries, and the jealousy with which many regarded his intimacy with Edward the Fourth, the lieutenant-general issued his orders to the lieges to make ready their warlike accoutrements, and prepare for hostilities. But nothing was farther from his intentions than war. He meant only to strengthen his popularity by the enthusiasm with which he knew such a measure would be received by a large proportion of the country, whilst, at the same time, he privately renewed his intrigues with the English monarch. A secret treaty was negotiated between the commissioners of Edward and the Earl of Angus, Lord Gray, and Sir James Liddal, the friends and envoys of the duke, by which it was agreed that, from this day forth, there should be good amity, love, and favour, between the King of England, and a high mighty prince, Alexander duke of Albany, and between the subjects of either prince dwelling within the one realm and the other. By another article in the same treaty, the King of England and the Scottish ambassadors engaged to Albany, that they would not only preserve inviolate the truce between the two kingdoms, but, if need be, would assist him in the conquest of the crown of Scotland "to his proper use," so that he in his turn, and the nobles of Scotland, might do the

<sup>1</sup> Inventory to the City Chartulary, i. 33.

King of England great service against his enemy the King of France. Another stipulation provided, that, upon the assumption of the crown of Scotland by the duke, he should instantly and for ever annul the league between that country and France; that he should never in all time coming pretend any right or title to the town and castle of Berwick; that he should restore to his lands and dignity in Scotland the banished earl of Douglas; and after he is king, and at freedom as to marriage, espouse one of the daughters of King Edward. In the event of Albany dying without heirs, Angus, Gray, and Liddal, the three ambassadors, engaged for themselves, and their friends and adherents, to keep their castles, houses, and strengths, from James, now King of Scots, "and to live under the sole allegiance of their good and gracious prince, the King of England." In return for this base and treasonable sacrifice of his country, Edward undertook to further the views of Albany in his conquest of the crown of Scotland, by sending his brother, the Duke of Gloucester, and his cousin, the Earl of Northumberland, with such aid of archers and men-at-arms as was thought necessary for the emergency. For the present, three thousand archers were to be furnished, paid and provisioned for six weeks; and in case there should happen "a great day of rescue," or any other immediate danger, Edward promised that the Duke of Albany should be helped by an army, through God's grace, sufficient for his protection.<sup>1</sup>

The contradictions and errors of our popular historians, and the deficiency of authentic records, have left the period immediately succeeding this convention between Edward and Albany in much obscurity. Its

<sup>1</sup> Rymer, *Fœdera*, vol. xii. pp. 173, 174, 175.

consequences seem to have been much the same as those which followed the intrigues of Angus;<sup>1</sup> and it is evident, that although the duke, in his endeavours to possess himself of the crown, was assisted by Athole, Buchan, Gray, Crichton, and others of the most powerful nobility in Scotland, another and a still stronger party had ranged themselves on the side of the king, incited to this more by their detestation of the schemes of Albany, by which the integrity and independence of their country as a separate kingdom were wantonly sacrificed, than by any strong affection for the person of their sovereign. The measures, too, of the duke appear to have been rash and precipitate. He accused the sovereign of countenancing a conspiracy to take him off by poison, and he retaliated by a violent but abortive attempt to seize the king, which weakened his faction, and united in still stronger opposition to his unprincipled designs the friends of order and good government.<sup>2</sup> By their assistance, the monarch, if he did not regain his popularity, was at least enabled to make a temporary stand against the ambition of his brother, who, convinced that he was on the verge of ruin, besought and obtained a timely reconciliation.

In a parliament which was assembled at Edinburgh in the conclusion of the eventful year of 1482, Albany was compelled to acknowledge his manifold treasons, and to lay down his office of lieutenant-governor of the realm.<sup>3</sup> He was, however, with great weakness and inconsistency upon the part of the government, permitted to retain his wardenship of the marches; and

<sup>1</sup> *Supra*, pp. 390, 391.

<sup>2</sup> Lealey, History, p. 50. Original Letter, James III. to Arbutnot. Caledonia, vol. ii. p. 602.

<sup>3</sup> *Indentura inter Jacobum Tertium et Ducem Albanie Alexandrum ejus fratrem.* 16th March, 1482. MS. General Register-house, Edinburgh.

whilst he and his adherents, the Bishop of Moray, the Earls of Athole, Buchan, and Angus, were discharged from approaching within six miles of the royal person, he was indulged by the sovereign and the parliament with a full pardon for all former offences, and permitted to retain his dignity and his estates unfettered and unimpaired. At the same time the duke delivered a public declaration, authenticated under his hand and seal, in which he pronounced it to be a false slander that the king had ever meditated his death by poison : he promised from thenceforth to discontinue his connexion with Angus, Athole, Buchan, and the rest of his faction, “not holding them in dayly household in time to come ;” and he engaged to give his letters of manrent and allegiance to the sovereign under his seal and subscription, and to endure for the full term of his life. By the same agreement, the most powerful of his supporters were deprived of the dignities and offices which they had abused to the purposes of conspiracy and rebellion. The Earl of Buchan was degraded from his place as great chamberlain, which was bestowed upon the Earl of Crawford ; deprived of his command of deputy-warden of the middle marches ; and, along with Lord Crichton and Sir James Liddal, who appear to have been considered the most dangerous of the conspirators with England, banished from the realm for the space of three years. Angus was compelled to remove from his office of great justiciar on the south half of the water of Forth, to resign his stewardry of Kirkcudbright, his sherifffdom of Lanark, and his command of the castle of Trief ;<sup>1</sup> whilst John of Douglas, another steady associate of Albany, was superseded in his sherifffdom of Edinburgh. The whole conspiracy,

<sup>1</sup> MS. Indenture, as quoted above.



by which nothing less was intended than the seizure of the crown, and the destruction of the independence of the country, was acknowledged with an indifference and effrontery which adds a deeper shade of baseness to its authors, and punished by the government with a leniency which could only have proceeded from a want of confidence between the sovereign and the great body of his nobility. The causes of all this seem to have been a weakness in the party opposed to Albany, and a dread in the king's friends, lest, if driven to despair, this ambitious and unprincipled man might yet be able to withstand or even to overcome them. But the result of so wavering a line of policy, was the same here as in other cases where half measures are adopted. It discouraged for the time the patriotic party, which, having the power in their own hands, did not dare to employ it in the punishment of the most flagrant acts of treason which had occurred since the time of Edward Baliol; and, by convincing Albany of the indecision of the government, and the manifest unpopularity of the king, it encouraged him to renew his intercourse with England, and to repeat his attempt upon the crown.

Accordingly, soon after the dissolution of the parliament, he removed to his castle of Dunbar, which he garrisoned for immediate resistance; he provisioned his other castles; summoned around him his most powerful friends and retainers, and despatched into England Sir James Liddal, whose society he had lately so solemnly forsworn, for the purpose of renewing his league with Edward, and requesting his assistance against his enemies. In consequence of these proceedings, an English envoy, or herald, named Blue Mantle, was commissioned to renew the negotiations with Albany; and he himself, indefatigable in intrigue,

soon after repaired to England.<sup>1</sup> At his desire, an English force invaded the border, and, advancing to Dunbar, was admitted into that important fortress by Gifford of Sheriffhall, to whom it had been committed, for the purpose of being delivered into the hands of his ally, King Edward. The duke himself remained in England, busy in concerting his measures with Douglas and his adherents for a more formidable expedition; and his friend Lord Crichton, one of the most powerful and warlike of the Scottish barons, engaged with the utmost ardour in concentrating his party in Scotland, and fortifying their castles for a determined resistance against the sovereign.<sup>2</sup>

At this critical moment happened the death of Edward the Fourth; an event which greatly weakened the party of the duke, and contributed eventually to his total discomfiture. Its effects, however, were not immediately fatal; and Richard the Third, who usurped the throne, and with whom, when Duke of Gloucester, we have seen Albany preserving an intimate correspondence, received the renegade at court with much courtesy and distinction. In the meantime, his repeated conspiracies excited, as was to be expected, a very general indignation in Scotland. A parliament assembled, in which he was again summoned to answer to a charge of treason; and having failed to appear, the three estates found him guilty of the crime laid to his charge, declaring that his life, lands, offices, and all other possessions, were forfeited to the king. Lord Crichton, Sir James Liddal, Gifford of Sheriffhall, and a long list of their adhe-

<sup>1</sup> *Processus Forisfacture Ducis Albanie. Acts of the Parliament of Scotland, vol. ii. p. 147.*

<sup>2</sup> *Processus Forisfacture Domini de Crechtoun. Ibid. pp. 154, 164.*

rents, experienced a similar fate;<sup>1</sup> whilst the monarch of England, surrounded by difficulties, and threatened with daily plots in his own kingdom, evinced an anxiety to cultivate the most amicable relations with Scotland, and granted safe-conducts to Elphinston bishop of Aberdeen, and the Earl of Crawford, as ambassadors from James,<sup>2</sup> with the object of renewing the truces, and arranging the best measures for the maintenance of peace upon the borders.

At the same time there arrived at court, as ambassador from Charles the Eighth of France, who had lately succeeded to the throne of that kingdom, Bernard Stewart lord Aubigny. This eminent person, whose Scottish descent made him peculiarly acceptable to the king, was received with high distinction; and the ancient league between France and Scotland was renewed by the Scottish monarch with much solemnity. Soon after, an embassy, which consisted of the Earl of Argyle, and Schevez archbishop of St Andrews, with the Lords Evandale, Fleming, and Glammis, proceeded to France,<sup>3</sup> and in their presence, Charles the Eighth, then only in his fourteenth year, confirmed and ratified the league, and consented to grant the most prompt assistance to his ally for the expulsion of the English from the kingdom, and the reduction of his rebellious subjects.<sup>4</sup>

So far the treasonable conspiracy of Albany had been completely defeated by the energy of the king, and the co-operation of his nobility; and James, shaking off that indolent devotion to literature and the fine arts, which he was now convinced had too much intruded upon his severer duties as a sovereign,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 152, 154, 164.

<sup>2</sup> Rymer, vol. xii. p. 207. Illustrations, Q.

<sup>3</sup> Crawford's Officers of State, p. 46.

<sup>4</sup> Ibid.

collected an army, and laid siege to the castle of Dunbar, which had been delivered by Albany to the enemy, and strongly garrisoned with English soldiers.<sup>1</sup> Meanwhile, Albany and Douglas, although courteously received by the English king, soon discovered that it was his determination to remain at peace with Scotland; and, with the desperate resolution of making a last struggle for the recovery of their influence, they invaded Scotland at the head of a small force of five hundred horse, and pushed forward to Lochmaben, under the fallacious idea that they would be joined by some of their late brothers in conspiracy, and by their own tenantry and vassals, who were numerous and powerful in this district. It was St Magdalene's day,<sup>2</sup> upon which an annual fair was held in the town, and a numerous concourse of neighbouring gentry, along with a still greater assemblage of merchants, hawkers, and labourers, were met together, all of whom, according to the fashion of the times, carried arms. On the approach of Albany and Douglas at the head of a body of English cavalry, it naturally occurred to the multitude, whose booths and shops were full of their goods and merchandise, that the object of the invaders was plunder; and with a resolution whetted by the love of property, they threw themselves upon the enemy. The conflict, however, was unequal, and on the point of terminating fatally for the brave burghers and peasantry, when a body of the king's troops, of which the chief leaders were Charteris of Amisfield, Crichton of Sanquhar, and Kirkpatrick of Kirkmichael, along with the Laird of Johnston, and Murray of Cockpule, advanced rapidly to the rescue of their countrymen, and attacked the English with a fury

<sup>1</sup> Ferrerius, p. 397. Drummond, p. 55.

<sup>2</sup> 22d July.

which broke their ranks, and decided the contest.<sup>1</sup> After a grievous slaughter and complete dispersion of their force, the Duke of Albany escaped from the field by the fleetness of his horse ; but Douglas, more aged, and oppressed by the weight of his armour, was overtaken and made prisoner by Kirkpatrick, who, proud of his prize, carried him instantly to the king.<sup>2</sup> His career had, as we have seen, been such as to claim little sympathy. It was that of a selfish and versatile politician, ever ready to sacrifice his country to his personal ambition. But his rank and his misfortunes, his venerable aspect and gray hairs, moved the compassion of the king ; and he whose treason had banished him from Scotland, who for nearly thirty years had subsisted upon the pay of its enemies, and united himself to every conspiracy against its independence, was permitted to escape with a punishment whose leniency reflects honour on the humanity of the sovereign. He was confined to the monastery of Lindores, where, after a few years of tranquil seclusion, he died : the last branch of an ancient and illustrious race, whose power, employed in the days of their early greatness in securing the liberty of the country against foreign aggression, had latterly risen into a fatal and treasonable rivalry with the crown. It is said that, when brought into the royal presence, Douglas, either from shame or pride, turned his back upon his sovereign, and on hearing his sentence, muttered with a bitter smile, “ He who may be no better, must needs turn monk.”<sup>3</sup> His associate, Albany, first took refuge in England, and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 173. Mag. Sig. xi. 77. August 10, 1484.

<sup>2</sup> Acta Domin. Concilii, 19th January, 1484. Mag. Sig. xi. 72. July 9, 1484.

<sup>3</sup> Drummond, Hist. p. 53. Hume's Douglas and Angus, p. 381.

from thence passed over to France, where, after a few years, he was accidentally slain in a tournament.<sup>1</sup>

Two powerful enemies of the king were thus removed; and instead of a monarch who, like Edward the Fourth, encouraged rebellion amongst his subjects by intrigue and invasion, the Scottish king found in Richard the Third that calm and conciliatory disposition, which naturally arose out of his terror for the occurrence of foreign war, before he had consolidated his newly-acquired power. To him tranquillity, and popularity with the great body of his nobility and of his people, were as necessary as to James; and had the Scottish aristocracy permitted their development, the government of either country would have been conducted upon the principles of mutual friendship and unfettered intercourse. An embassy, consisting of the Earl of Argyle, the chancellor, Lord Evandale, Whitelaw the secretary to the king, and the Lord Lyle, was received with great state by Richard at Nottingham; and having conferred with the English commissioners, the Archbishop of York, the Chancellor of England, and the Duke of Norfolk, they determined upon a truce for three years, which was to be cemented by a marriage between the heir of the Scottish crown, James duke of Rothesay, now a boy in his fourteenth year, and Lady Anne, niece of the King of England, and daughter to the Duke of Suffolk.<sup>2</sup> By one of the articles of this truce, the castle of Dunbar, then in the possession of the English, having been delivered to them by Albany, and for recovery of which the King of Scotland had made great preparations, was to enjoy the benefit of the cessation of hostilities for six months; after the expiration of which period,

<sup>1</sup> Anselme, *Histoire Genealogique*, iv. p. 529.

<sup>2</sup> Rymer, *Fœdera*, vol. xii. pp. 236, 244, 250.

James was to be permitted to recover it, if he was able, by force of arms.

At the same time that this embassy took place, the purport of which was openly declared, and appears in the public records, much secret intercourse was carried on between Richard the Third and the Scottish nobility and clergy, in which the names occur of several barons who took a prominent part against the king in the subsequent rebellion. From the brief and cautious manner in which the passports for such persons are worded, it is impossible to point out the subjects of their private negotiation, but there seems ground to presume that the aristocratic faction, which had been for a long time opposed to the king, and which gave him its lukewarm support solely for the purpose of crushing the desperate treasons of Albany, had now begun to intrigue with England.

From the time of the rising at Lauder, the execution of Cochrane and his associates, and the subsequent imprisonment of the sovereign, many of the Scottish nobles must have been sensible that they had subjected themselves to a charge of treason, and that the monarch only waited for the opportunity of returning power to employ it in their destruction. The blood of his favourites, shed with a wantonness and inhumanity which nothing could justify, called loud for vengeance: however devoted to the indolent cultivation of the fine arts, or enervated by the pursuit of pleasure and the society of the female sex, the character of James partook somewhat of the firmness and tenacity of revenge which distinguished his grandfather, James the First; and it was anticipated that his return to liberty, and the free exercise of his prerogative, would bring a fearful day of reckoning to the conspirators at Lauder. The instances of the Douglasses, the Living-

stons, and the Boyds, some of whom, previous to their trial and execution, had stood in far more favourable circumstances than most of the present nobles, must to them have been full of warning; and it was natural for those who felt the treacherous and unstable ground on which they stood, to endeavour to strengthen their faction by a secret negotiation with England. To what extent Richard listened to such advances, does not appear; but there seems to be little doubt that, on the meeting of parliament in the commencement of the year 1485, a large proportion of the Scottish aristocracy had persuaded themselves that the security of their lives and their property was incompatible with the resumption of his royal authority by the monarch whom they had insulted and imprisoned: on the other hand, it is evident that, by whatever various motives they were actuated, a more numerous party, consisting both of the clergy and of the barons, had attached themselves to the interest of the sovereign; and whilst many must be supposed to have been influenced by the selfish hope of sharing in the plunder and confiscation which invariably accompanied the destruction of a feudal faction, a few perhaps were animated by a patriotic desire to support the authority of the crown, and give strength and energy to the feeble government of the country. Such appear to have been the relative situations of the two great factions in the state on the opening of the parliament in the commencement of the year 1485; and most of its acts seem to have been wisely calculated for the good of the community.

It was resolved to despatch an embassy to the court of England, for the purpose of concluding the marriage between the Duke of Rothesay and the niece of Richard. Provisions were adopted for the maintenance of tran-



quillity throughout the realm, by holding justice-ayres twice in the year; the king was advised to call a part of the lords and head men of his kingdom, who were to bring to trial and execution all notorious offenders, and Schevez, the archbishop of St Andrews, was to be despatched on an embassy to the court of Rome, having instructions to procure the papal confirmation of the alliances which had been concluded between Scotland and the kingdoms of France and Denmark. Other matters of importance, affecting mutually the rights claimed by the crown, and the authority maintained by the see of Rome, were intrusted to the same diplomatist. It was to be reverently submitted to the holy father, that the king, having nominated his "tender clerk and counsellor," Alexander Inglis, to the bishoprick of Dunkeld, requested the papal confirmation of his promotion as speedily as possible; and the ambassador was to declare determinately, that his sovereign would not suffer any other person, who had presumed to procure his promotion to this bishoprick contrary to the royal will, to enter into possession. An earnest remonstrance was to be presented to the pope, requesting, that on the decease of any prelate or beneficed clergyman, his holiness would be pleased to delay the disposition to such dignities for six months, in consequence of the distance of the realm of Scotland from the holy see, within which time the king's letter of supplication for the promotion to the vacant benefice of such persons as were agreeable to him might reach the pontiff: a privilege which, it was remarked, the sovereign considered himself entitled to insist upon, since the prelates of his realm had the first vote in his parliament, and were members of his secret council. In the same parliament, an act of James the Second, which made it

treason for any clerk to purchase benefices in the court of Rome, the presentation to which belonged to the crown, was directed to be rigidly carried into execution; and all persons who maintained or supported any ecclesiastics who had thus intruded themselves into vacant sees, were ordered to be punished by the same penalties of proscription and rebellion as the principal offenders. Some homely provisions regarding the extortion of ferrymen, who were in the habit of taking double and treble freight, and a regulation concerning the coinage, concluded the subjects which upon this occasion occupied the wisdom of parliament.<sup>1</sup>

It was within four months after this, that Richard the Third was cut off in the midst of his unprincipled but daring and energetic career, by a revolution which placed Henry earl of Richmond upon the throne of England, under the title of Henry the Seventh. That a faction in Scotland supported the Earl of Richmond, we have the authority of his rival Richard for believing;<sup>2</sup> but who were the individuals to whom the king alluded, and to what extent their intrigues had been carried on, there are no authentic documents to determine. The plot of Richmond, as it is well known, was fostered in the court of France; and Bernard Stewart lord Aubigny, commanded the body of French soldiers which accompanied him to England. Aubigny was, as we have seen, of Scottish extraction, and nearly related to the Earl of Lennox.<sup>3</sup> He had been ambassador to the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 173.

<sup>2</sup> Fenn's Paston Letters, vol. ii. p. 326.

<sup>3</sup> Bernard Stewart lord Aubigny, and John Stewart of Darnley, first Earl of Lennox, were brothers' children. Mathew earl of Lennox, to whom Aubigny left his fortune, was the son of the first earl. By his sisters, the Ladies Elizabeth, Marion, Janet, and Margaret Stewart, the Earl of Lennox was connected by marriage with the Earl of Argyle, Lord Crichton of Sanquhar, Lord Ross of Halkhead, and Sir John Colquhoun of Luss. Douglas Peerage, vol. ii. pp. 95, 96.

Scottish court in the year 1484; and it is by no means improbable, that, to further the plot for the invasion of England by the Earl of Richmond, Aubigny, an able politician, as well as an eminent military leader, had induced that party of the Scottish lords, who were already disaffected to the king, to make a diversion by invading England, and breaking the truce between the kingdoms. The impetuosity of Richard, however, hurried on a battle before any symptoms of open hostility had broken out; and when the death of the usurper, on the field of Bosworth, had placed the crown upon the head of Henry, this monarch became naturally as desirous of cultivating peace as he had formerly been anxious to promote a war. Yet with this change of policy, the connexion of the new king with the faction of the Scottish barons which was opposed to the government of James, may have remained as intimate as before; and when many of the same nobles, who had conspired with France against Richard, began to form plots for the destruction of their own sovereign, it is by no means improbable that they looked for support to their friend and ally the King of England. The extraordinary caution with which Henry carried on his diplomatic negotiations, has rendered it exceedingly difficult for succeeding historians to detect his political intrigues, but there are some circumstances which create a presumption that the designs of James's enemies were neither unknown nor unacceptable to him.

In the meantime, however, the accession of Henry seemed at first to bring only a continuance of friendly dispositions between the two kingdoms. Within a month after the death of Richard, the English monarch made overtures for the establishment of peace, and appointed the Earl of Northumberland, who was warden of the marches, to open a negotiation with such envoys

as James might select.<sup>1</sup> Accordingly, Elphinston bishop of Aberdeen, Whitelaw the king's secretary, with the Lords Bothwell and Kennedy, and the Abbot of Holyrood, were despatched as ambassadors; and after various conferences, a three years' truce was agreed on, preparatory to a final pacification, whilst the Earl of Angus and the Lord Maxwell were appointed wardens of the middle and western marches. Upon the part of England, the Earl of Northumberland and Lord Dacres were nominated to the same office on the eastern and western borders, whilst overtures were made for a marriage between James marquis of Ormond, James's second son, and the Lady Catherine, daughter of Edward the Fourth, and sister-in-law to King Henry.

Soon after this, James was deprived, by death, of his queen the Lady Margaret, daughter to Christiern king of Denmark, a princess whose virtues were of that modest and unobtrusive character which make little figure in history, and to whom, if we may believe the report of his enemies, the king was not warmly attached.<sup>2</sup> The aspersions, indeed, which were so unsparingly poured upon the memory of this monarch by the faction which dethroned and destroyed him, and the certain falsehood of some of their most confident accusations, render the stories of his alienation from his queen, and his attachment to other women, at best extremely doubtful. It is certain, however, that before a year of grief had expired, the royal widower began to think of another marriage, which

<sup>1</sup> Rymer, vol. xii. p. 285-316.

<sup>2</sup> The period of her death, Pinkerton, vol. i. p. 324, observes, has not been mentioned by the Scottish historians. We are enabled, however, to approximate nearly to the exact time, by the expression used in a charter in the Morton Cartulary, dated 16th October, 1486, which mentions her at that time "nuper defuncta."

should connect him more intimately in the bonds of peace and affectionate intercourse with England. The princess upon whom he had fixed his affections, was the Queen-dowager of England, the widow of Edward the Fourth, and the mother-in-law of Henry the Seventh; but before this union could be effected, a conspiracy broke out, which had been long collecting strength and virulence, and whose effects were as fatal as its history is obscure and complicated.

We have already remarked that since the period of the conspiracy at the bridge of Lauder, in which a great body of the Scottish nobles rose against the sovereign, imprisoned his person, usurped the administration of the government, and, without trial or conviction, inflicted the punishment of death upon his principal favourites and counsellors, the barons engaged in that enterprise had never been cordially reconciled to the king, and were well aware that they lived with a charge of treason hanging over their heads; that they held their estates, and even their lives, only so long as their party continued in power. Nearly five years had now elapsed since the execution of Cochrane, and in that interval some alterations had occurred, which were quite sufficient to alarm them. The character of the king had undergone a material change: he had attached to his interest some of the wisest of the clergy, and not a few of the most powerful of his nobility; he had preserved peace with England; had completely triumphed over the traitorous designs of his brother Albany and the Earl of Douglas; had maintained his alliance with France, Flanders, and the northern courts of Europe, unbroken; had supported with great firmness and dignity his royal prerogative against the encroachments of the see of Rome, and had made repeated endeavours to enforce the autho-

rity of the laws, to improve the administration of justice, and restrain the independent power of the feudal nobility, by the enactments of his parliament, and the increasing energy and attention with which he devoted himself to the cares of government. It has indeed been the fashion of some of our popular historians to represent the character of this unfortunate prince as a base mixture of wickedness and weakness; but nothing can be more untrue than such a picture. The facts of his reign, and the measures of his government, demonstrate its infidelity to the original; and convince us that such calumnies proceeded from the voice of a faction desirous to blacken the memory of a monarch whom they had deserted and betrayed. But, even admitting that the full merit of the wise and active administration of the government which had lately taken place, did not belong to the king, it was evident to his enemies that their power was on the decline, and that their danger was becoming imminent. The character of the monarch, indeed, was far from relentless or unforgiving; and the mildness of the punishment of Albany, and the benevolence of the sentence against Douglas, might have inspired them with hope, and promoted a reconciliation; but they knew also that there were many about the royal person who would advise a different course, and to whom the forfeiture, and the expectation of sharing in their estates, would present an inviting prospect.

On consulting together, they appear to have come to the resolution to muster their whole strength at the ensuing parliament; to sound the disposition of the king and his party towards accepting their submission, and encouraging a coalition; and when they had warily estimated the comparative strength of their

own faction, and that of the monarch, to form their plan, either of adherence to the government, and submission to the king, or of a determined rebellion against both. In the meantime, however, the death of the queen, and the treachery of those to whom the keeping and education of the heir-apparent was intrusted, enabled them to usurp an influence over his mind, which they artfully turned to their own advantage.

To gain the prince to favour their designs against his father, and to allure him to join their party, by the prospect of an early possession of the sovereign power, was a project which had been so frequently and successfully repeated in the tumultuous transactions of Scotland, and other feudal kingdoms, that it naturally suggested itself to the discontented nobles; and it was no difficult task for such crafty and unscrupulous intriguers to work upon the youthful ambition of his character. James duke of Rothesay was now in his fifteenth year; his disposition was aspiring and impetuous; and although still a boy, his mind seems to have been far beyond his years. It was easy for them to inflame his boyish feelings against his father, by the same false and unfounded tales with which they afterwards polluted the popular mind, and excused their own attacks upon the government; and previous to the meeting of the parliament, they had succeeded in estranging the affections of the son from the father, and producing in his mind a readiness to unite himself to their party. Whilst such had been the conduct of the faction which opposed itself to the government, the king, shaking off the love of indolent retirement which he had too long encouraged, mustered his friends around him, consulted with his most confidential officers, and resolved that the proceedings of the

ensuing parliament should be conducted with an energy and a wisdom which should convince his enemies that they were mistaken in him.

Such appears to have been the relative position of the monarch, and the faction of the discontented nobles, at the period of the meeting of parliament on the 13th of October, 1487.<sup>1</sup> On that day, a more numerous assemblage of the nobles attended than for many years had been seen in the Scottish parliament; and although the barons who were inimical to the king were pleased to find that they mustered in formidable strength, it was thought expedient to make overtures to the sovereign for an amicable adjustment of all their disputes and grievances, upon condition that a full pardon should be granted to all such barons as had made themselves obnoxious to the laws, by treason, rapine, or other offences. To such a proposition, however, the party of the sovereign, too confident in their own power, gave an absolute denial. They brought in an act of parliament, which declared, that for the purpose of re-establishing justice and tranquillity throughout the realm, which, in consequence of the delay of inflicting "sharp execution upon traitors and murderers, had been greatly broken and distressed, the king's highness had acceded to the request of his three estates, and was determined to refuse all applications for pardon of such crimes, or of any similar offences, for seven years to come." In return for the readiness with which the king had obeyed the wishes of his parliament, the lords spiritual and temporal, with the barons and freeholders, gave their promise, that, in all time coming they should cease to maintain, or stand at the bar with traitors, men-slayers, thieves, or robbers,

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 176.



always excepting that they must not be prevented from taking part in "sober wise," with their kin and friends, in the defence of their honest actions. They engaged also to assist the king and his officers to bring all such offenders to justice, that they might "underly" the law; and when, in consequence of the strength of the party accused, the coroner was unable to make his arrestment, they promised, with their armed vassals, to apprehend the delinquent. Other acts were passed at the same time, to which it is unnecessary to refer; but the proceedings were amply sufficient to convince the barons, whose rebellion against the sovereign had made them liable to a charge of treason, that extreme measures were meditated against them. The parliament was then prorogued to the 11th of January; and it was intimated by the sovereign, that a full attendance of the whole body of the prelates, barons, and freeholders, would be insisted on, it having been resolved, that all absent members should not only be punished by the infliction of the usual fine, but in such other method as the king was wont to adopt to those who disobeyed his orders, and incurred his high displeasure.

In the interval, an important negotiation took place between the Bishops of Exeter and Aberdeen, who met at Edinburgh, and agreed that the present truce subsisting between the kingdoms should be prolonged to the 1st of September, 1489. It was determined, also, that the proposed marriage between the King of Scots and the Princess Elizabeth, widow of Edward the Fourth, should take place as soon as the preliminaries could be settled, in a diet to be held at Edinburgh; whilst the peace between the two countries should be further cemented by the marriage of James's second son, the Marquis of Ormond, to the Lady

Catherine, third daughter of Edward the Fourth, and of James prince of Scotland and duke of Rothesay, to another daughter of the same royal line.<sup>1</sup> These royal alliances were interrupted by a demand of the Scottish monarch. As a preliminary, he insisted upon the surrender of the town of Berwick, which for so long a period had been the property of Scotland, and the rich emporium of its trade. To this last condition, Henry would by no means consent.<sup>2</sup> He was well aware of the importance of this border fortress, as commanding a frontier against the Scots; and so high a value did he set upon its continuing in the possession of England, that, from the moment that James had pertinaciously required its restoration, all serious thoughts of the proposed alliances were at an end; and the politics of the English monarch, instead of being animated by the desire of a friendly union with the king, became infected with a partiality for the faction of his discontented nobles.

Nor had these barons, during this interval, been idle: they had consolidated their own strength; appointed various points of rendezvous for their vassals and retainers, and put their castles into a posture of defence: they had prevailed on some of the prelates and dignified clergy to join their party, whose affections the king had alienated by his severe reprobation of their proceedings, in purchasing the nomination to vacant benefices at the papal court: they had completely corrupted the principles of the king's eldest son, the Duke of Rothesay, and prevailed upon him to lend his name and his presence to their treasonable attack upon the government; and although it cannot be asserted upon conclusive evidence, there is some reason to

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 329.

<sup>2</sup> Feb. 10, 1487. *Rotuli Scotiæ*, vol. ii. p. 483.

believe that the conspiracy was countenanced at least, if not supported, at the court of Henry the Seventh.

In the meantime, the parliament, which had been prorogued to the month of January, again assembled,<sup>1</sup> and was attended in great force by both factions. Aware of the intrigues which were in agitation against him, and incensed at the conduct of his enemies in working upon the ambition, and alienating from him the affections, of his son and successor, James proceeded to adopt decided measures. He brought forward his second son, created him Duke of Ross, Marquis of Ormond, Earl of Edirsdale, and Lord of Brechin and Novar, and by accumulating upon him these high titles, appeared to point him out as his intended successor in the throne. He strengthened his own party by raising the Barons of Drummond, Crichton of Sanquhar, Hay, and Ruthven, to the dignity and privileges of lords of parliament; he procured the consent of the three estates to the immediate departure of an embassy to the court of England, for the purpose of making a final agreement regarding his own marriage and that of the prince his son; with instructions to the ambassadors that they should insist either on the delivery of the castle and the city of Berwick into the hands of the Scots, or upon the castle being cast down and destroyed. He appointed the Earls of Crawford and Huntley to be justices on the north half beyond the Forth; and from the Lords Bothwell, Glamis, Lyle, and Drummond, directed the parliament to select two justices for the southern division of the kingdom. With regard to the rights, which he contended belonged to the crown, in disposing of vacant benefices, rights which interfered with those ecclesiastical privileges

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 130.

claimed by the court of Rome as part of its inalienable prerogative, the conduct of the monarch was spirited and consistent. He had united the priory of Coldingham to the royal chapel at Stirling,<sup>1</sup> a measure which the potent border family of the Humes affected to consider as an interference with their patronage, but upon what ground is not apparent. They made it a pretext, however, for joining the ranks of the discontented nobles; opposed the annexation in a violent and outrageous manner, and attempted to overturn the act of the king by an appeal to the pope. The monarch, in the first instance, interdicted all persons from presenting or countenancing such appeals, under penalty of the forfeiture of life, lands, and goods; and finding this warning insufficient, he directed summonses to be issued against the offenders, ordaining them to stand their trial before a committee of parliament, and abide the sentence of the law.<sup>2</sup> Aware also that there would be some attempt at interference on the part of the papal court, it was declared by the parliament, that the king was bound to preserve that ancient privilege which had been conferred upon his progenitors by a special bull, and by which the Scottish monarchs were not obliged to receive any legate or messenger of that court within their realm, unless a communication were first made to the king and his council as to the nature of the message, so that it might be perfectly understood, before they were permitted to enter the kingdom, that they brought no communication contrary to the will of the sovereign or the common prosperity of his realm. If, therefore, it was said, any such legate happened to be now on his journey, or hereafter arrived, the parliament recommended that messengers should be

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 179.

<sup>2</sup> Ibid. p. 183.

immediately sent to the borders to prohibit him from setting his foot within the kingdom, until he first explained to his highness the cause of his coming.<sup>1</sup> In the same parliament, and with a like resolute spirit, the king obtained an act to be passed, which insisted on his right to nominate to vacant benefices as an inalienable prerogative of his crown, and in which his determination was declared, to keep his clerk Mr David Abercromby, unvexed and untroubled in the enjoyment of the deanery of Aberdeen, notwithstanding any attempt to the contrary by persons who founded their title of interference upon a purchase or impetration of this ecclesiastical preferment at the court of Rome.

The parliament was then adjourned to the 5th of May, and the members dispersed; but the quiet was of short continuance, and the materials of civil commotion, so long pent up in the bosom of the country, in consequence of the determined measures adopted by the king, at length took fire, and blazed forth into open rebellion. In the severity of the late acts of parliament, the Earls of Argyle and Angus, the Lords Lyle, Drummond, and Hailes, Blacader bishop of Glasgow, and many other powerful barons who had joined their party, saw clearly the measures which were intended for their destruction, and determined, ere it was too late, to convince their enemies, that their power was more formidable than they anticipated. They accordingly concentrated their forces. The young prince, already estranged from his father, and flattered with the adulation of a party which addressed him as king, issued from Stirling castle,<sup>2</sup> the governor of which, James Shaw of Sauchie, had early joined the conspi-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 183.

<sup>2</sup> Ibid. pp. 211, 223.

racy, and placed himself at the head of the insurgent army ; whilst James, who had unfortunately permitted his friends and supporters to return to their estates after the dissolution of the parliament, found himself almost alone amidst a thickening tumult of revolt and violence, which it was impossible to resist. Cut to the heart also, by seeing his own son at the head of his enemies, the king formed the sudden resolution of retiring from the southern provinces of his kingdom, which were occupied chiefly by his enemies, to those northern districts, where he could still rely on the loyalty of his subjects, and the support of a large body of his nobility. Previous to this, however, he despatched the Earl of Buchan, along with Lord Bothwell and the Bishop of Moray on an embassy to Henry the Seventh, to solicit the assistance of that monarch, and procure the presence of a body of English troops to overawe his rebels, and defend him against the imminent dangers with which he was surrounded.<sup>1</sup> He at the same time deprived Argyle of the office of chancellor, and conferred that dignity upon Elphinston bishop of Aberdeen, one of the ablest and most faithful of his counsellors ; and anxious to detach his son from the party of the insurgents, and to save him from incurring the penalties of treason, he sent proposals to the misguided youth, in which the severity of the king and the affection of the father were judiciously blended. But all was in vain. From the moment that the prince left Stirling, and placed himself at the head of their party, the rebels boldly declared, that James the Third, having forfeited the affections of his people, oppressed his nobility, and brought in the English to subdue the nation, had forfeited the crown, and ceased to reign.

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 334.

They then proclaimed his son as his successor, under the title of James the Fourth, and in his name proceeded to carry on the government. The Earl of Argyle was reinstated in his office of chancellor;<sup>1</sup> a negotiation was opened with the court of England; and Henry, who had looked coldly on the father, in consequence of his insisting upon the restoration of Berwick, did not scruple to treat with the son as King of Scots, and to grant passports for his ambassadors, the Bishops of Glasgow and Dunkeld, the Earl of Argyle, the Lords Lyle and Hailes, with the Master of Hume.<sup>2</sup>

The alarm of the king at the boldness and success of such measures was great. He was surrounded on all sides by his enemies, and in daily risk of being made a captive by his son. It was absolutely necessary, therefore, to hasten his retreat to the north; but before his preparations were completed, the rebels advanced upon Edinburgh, his baggage and money were seized at Leith, and the monarch had scarcely time to throw himself into a ship belonging to Sir Andrew Wood, and pass over to Fife, when he heard that the whole southern provinces were in arms.<sup>3</sup> The disaffection, however, had reached no farther, and James, as he proceeded towards Aberdeen, and issued orders for the array of Strathern and Angus, had the gratification to find himself within a short time at the head of a numerous and formidable army. His uncle, Athole, with the Earls of Huntley and Crawford, and a strong assemblage of northern barons, joined his standard; Lord Lindsay of the Byres, a veteran commander of great talent and devoted loyalty, who had served in the French wars, assembled a body of three thousand

<sup>1</sup> Mag. Sig. x. 122. Feb. 18, 1487.

<sup>2</sup> Rymer, *Fœdera*, vol. xii. p. 340.

<sup>3</sup> Acts of the Parliament of Scotland, vol. ii. p. 202.

footmen and a thousand horse. The old baron, who led this force in person, was mounted on a gray courser of great size and spirit. On meeting the king, he dismounted, and placing the reins in the hands of his sovereign, begged him to accept of the best war-horse in Scotland. "If your grace will only sit well," said the blunt old soldier, "his speed will outdo all I have ever seen either to flee or follow." The present was highly valued by the monarch, but it was thought ominous at the time, and led to fatal results. Soon after this the king was met by Lord Ruthven at the head of a thousand gentlemen well mounted and clothed in complete body-armour, with a thousand archers, and a thousand infantry.<sup>1</sup> As he advanced, his forces daily increased. The Earls of Buchan and Errol; the Lords Glammis, Forbes, and Kilmaurs; his standard-bearer Sir William Turnbull; the Barons of Tullibardine and Pourie; Innes of Innes, Colessie of Balnamoon, Somer of Balyard, and many other loyalists, incensed at the unnatural rebellion, and commiserating the condition of the country, warmly espoused his cause; so that he soon found himself at the head of a well-appointed army of thirty thousand men, with which he instantly advanced against the rebel lords.<sup>2</sup>

He found them stationed with the prince his son at Blackness, on the coast between Queensferry and Borrowstounness; but the sight of his subjects arrayed in mortal conflict against each other, and commanded by the heir to his throne, affected the benevolent heart of the monarch, and induced him to listen to the advice of the Earls of Huntley and Errol, who earnestly besought permission to attempt an accommodation. A negotiation was accordingly opened, and certain

<sup>1</sup> Pitcottie, Hist. p. 140. Ferrerius, p. 400.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 202.



articles of agreement were drawn up and corroborated by the royal signature, which, if we may believe the suspicious evidence of the conspirators themselves, were violated by the king, who suffered himself to be overruled by the stern counsels of the Earl of Buchan.<sup>1</sup> Irritated at such undue influence, the Earl Marshal, along with Huntley, Errol, and Lord Glamis, deserted the royal camp, and retired to their respective estates; whilst Buchan, who perhaps wisely dreaded to lose an opportunity of extinguishing the rebellion which might never again occur, attacked the prince's army, and gained an advantage, which, although magnified into a victory, appears to have been little else than a severe skirmish, too undecided to deter the prince and his associates from keeping the field in the face of the royal army.<sup>2</sup> The odious sight of civil bloodshed, however, created in both armies an indisposition to push the battle to extremities; and the monarch, whose heart sickened at the prospect of protracted rebellion, again, by the mediation of his uncle, the Earl of Athole, made proposals for an amicable adjustment of the grievances for the redress of which his opponents were in arms. Commissioners were accordingly appointed, and a pacification agreed on, remarkable for the leniency of its stipulations, and the tenderness with which the royal parent conducted himself towards his son. It will be remembered that James was at the head of an army flushed with recent success; that he had been grossly calumniated by the rebellious subjects whom he was now willing to admit to pardon; that his son, a youth in his sixteenth year, had usurped his name and authority of king; that they had filled his kingdom with confusion and bloodshed:

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. pp. 202, 210.

<sup>2</sup> Ibid. p. 204.

under such circumstances, the conditions agreed on contradict in the strongest manner the representations of the popular historians regarding the character of this unfortunate prince. It was stipulated, that the royal estate and authority of the sovereign should be maintained, so that the king might exercise his prerogatives, and administer justice to his lieges, throughout every part of his realm ; that his person should at all times be in honour and security ; and that such prelates, earls, lords, and barons, as were most noted for wisdom, prudence, and fidelity, should be kept around him. All those barons whom the prince had hitherto admitted to his confidence, and whose evil counsels had done displeasure to the king, were to make honourable amends to the monarch, by adopting a wise and discreet line of conduct, under the condition that full security was to be given them for their lives, honours, and estates. The king engaged to maintain the household of the heir-apparent, and support the lords and officers of his establishment in befitting dignity, provided they were honourable and faithful persons, distinguished for wisdom and fidelity, under whose directions my lord the prince might become obedient to his royal father, and increase in that dutiful love and tenderness which ought ever to be preserved between them. On these conditions the king declared his readiness to forgive and admit to his favour all the prince's friends and servants against whom he had conceived any displeasure ; whilst his highness the prince intimated his willingness to dismiss from his mind all rancorous feelings against the lords spiritual and temporal who had adhered to the service of their sovereign in this time of trouble. In conclusion, it was agreed by both parties, that all feuds or dissensions which at that moment existed between various

great lords and barons, and more especially between the Earl of Buchan and the Lord Lyle, should be composed and concluded; so that our sovereign lord and his lieges might once more live in peace, justice, and concord, and tranquillity be re-established throughout the realm.<sup>1</sup>

Whatever causes led to this pacification, it is evident that the terms offered to the prince and his rebellious party were far too favourable, and that the humanity which dictated so feeble and insecure a compromise was little else than weakness. The king was then in circumstances which, if properly turned to advantage, must, in all probability, have given him a complete triumph over a conspiracy whose ramifications had spread throughout the kingdom. Under the pretence of the redress of grievances partly ideal, partly true, but principally of their own creation, a faction of his prelates and nobles had withdrawn their allegiance from their sovereign, seduced the affections of the prince, and attempted to overturn the government of the country by force of arms. To have entered into terms with such offenders upon any other basis than a full and unconditional surrender, was the extremity of folly; but instead of this, James, in his anxiety to avoid a mortal contest, which, after the advantage at Blackness, the insurgent lords would scarcely have hazarded, permitted the son who had usurped his kingly name, and the subjects who had defied the laws of the realm, to negotiate, with arms in their hands, on a footing of equality. No petition for forgiveness, no expression of penitence, was suffered to escape: the prince spoke throughout, not as a son conscious that he had offended, but as a sovereign transacting a

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 210.

treaty with his equal. The pacification of Blackness was, in truth, a triumph to the faction of the discontented nobles; and it required little penetration to foresee, that the tranquillity which was established on such a foundation, could not be of any long duration: it was a confession of weakness, pronounced at a time when firmness at least, if not severity, were the only guides to the permanent settlement of the convulsions which now agitated the kingdom.

Unconscious, however, of the dangers which surrounded him, and trusting too implicitly to the promises of the insurgents, James retired to Edinburgh, dismissed his army, and permitted the northern lords, upon whose fidelity he chiefly depended, to return to their estates. He then proceeded to reward the barons to whose zeal he had been indebted, and who had distinguished themselves in the conflict at Blackness. The Earl of Crawford was created Duke of Montrose; Lord Kilmaurs was raised to the rank of Earl of Glencairn; Sir Thomas Turnbull, his standard-bearer, Sir Andrew Wood, the Lairds of Balnamoon, Lag, Balyard, and others of his adherents, received grants of lands; and the king weakly imagined, that if any bitter feelings were yet cherished in the bosoms of his son and his nobles, the mediation of the French monarch, to whom he had lately despatched ambassadors, and the interference of the holy see, to which a mission had been also directed, might effectually remove them.<sup>1</sup> Nothing, however, could be more vain than such anticipations. The monarch had scarcely time to reorganize his court, and take up his residence within his castle of Edinburgh, when he was informed that his son, and the same fierce and ambitious faction,

<sup>1</sup> Mag. Sig. x. 69. May 18, 1488. Ibid. ix. 77, same date. Ibid. xii. 365. June 25, 1492.

had resumed their schemes of insurrection, and assembled in more formidable numbers than before. It may be doubted, indeed, whether they had ever dispersed; and it is difficult to account for the infatuation of the king and his advisers, when we find them consenting to the dismissal of the royal army at the very moment the rebels continued to retain their arms.

James, however, had a few powerful friends around him, and these urged him, ere it was too late, to reassemble his army without a moment's delay. The Duke of Montrose, the Earls of Menteith and Glencairn, the Lords Erskine, Graham, Ruthven, and Lord Lindsay of the Byres, immediately collected their followers; and such was the popularity of the royal cause, that within a short time the royal army mustered in sufficient strength to take the field against the insurgents. Summonses were rapidly forwarded to the northern lords; and it was at first determined that, till these reinforcements joined the army, the sovereign should remain at Edinburgh, and avoid the risk of a battle. But this resolution, undoubtedly the wisest that could be adopted, was abandoned. It was suggested that Stirling would be a more convenient rendezvous for the northern chiefs and clans; and, abandoning his strong castle of Edinburgh, the monarch advanced to this town, attacked the prince his son, who was encamped in the neighbourhood, drove him across the Forth, and after dispersing this portion of the rebels, demanded admittance into his castle of Stirling.<sup>1</sup> This, however, was peremptorily refused him by Shaw of Sauchie, the governor, who had joined the prince; and before time was given him to decide whether it would

<sup>1</sup> Mag. Sig. xii. 64. 9th January, 1488.

be expedient to lay siege to the fortress, intelligence was brought that his enemies had pressed on from Falkirk, and occupied the high level plain above the bridge of the Torwood.<sup>1</sup> Upon hearing this, James immediately advanced against them, and encountered the insurgent army on a tract of ground known at the present day by the name of Little Canglar, which is situated upon the east side of a small brook called Sauchie Burn, about two miles from Stirling, and one mile from the celebrated field of Bannockburn, where Bruce had defeated Edward. Although inexperienced in war, James was not deficient in courage. By the advice of Lord Lindsay, with other veteran soldiers, the royal army, much inferior in numbers to the insurgents, was drawn up in three divisions. The first, consisting of such of the northern clans as had arrived before the battle, was commanded by the Earls of Athole and Huntley, forming an advance of highlandmen armed with bows, long daggers, swords, and targets; in the rear division were the westland and Stirlingshire men, commanded by the Earl of Menteith, with the Lords Erskine and Graham; whilst the king himself led the main battle, composed of the burghers and commons.<sup>2</sup> He was splendidly armed, and rode the tall gray horse which had lately been presented to him by Lord Lindsay. On his right this veteran soldier, with the Earl of Crawford, commanded a fine body of cavalry, consisting of the chivalry of Fife and Angus; whilst Lord Ruthven, with the men of Strathern and Stormont, formed his left wing, with a body of nearly five thousand spearmen. Against this array, the rebel lords, advancing rapidly from the Torwood, formed themselves also in three battles. The first division

<sup>1</sup> Pitscottie, *History*, vol. i. pp. 218, 219, by Dalryell.

<sup>2</sup> Nimmo's *Stirlingshire*, p. 226. Lesley's *Hist.* p. 57.

was led by the Lord Hailes, and the Master of Hume, and composed of the hardy spearmen of East Lothian and the Merse.<sup>1</sup> Lord Gray commanded the second line, formed of the fierce Galwegians, and the more disciplined and hardy borderers of Liddesdale and Annandale, men trained from their infancy to arms, and happy only in a state of war. In the main battle were the principal lords who had conspired against the king, and at their head the young prince himself, whose mind, torn between ambition and remorse, is said to have sought for comfort in issuing an order, that no one should dare, in the ensuing conflict, to lay violent hands upon his father.<sup>2</sup>

The onset commenced by showers of arrows, which did little execution, as the bow, although lately more encouraged amongst the Highland troops, was never a favourite or formidable weapon with the nation. In the charge with the spear, however, the royalists drove back the enemy's first line and gained a decided advantage; but it lasted only till the advance of the borderers, who attacked with such steady and determined valour, that they not only recovered the ground which had been lost, but made a dreadful slaughter, and at last compelled the Earls of Huntley and Menteth to retreat in confusion upon the main battle, commanded by the king. The conflict, however, was continued for some time with great obstinacy, and James's forces, although inferior in number to the insurgents, made a desperate stand. They at last, however, began to waver, and the tumult and slaughter

<sup>1</sup> Ferrerius, p. 400. Buchanan, book xii. chap. 61. Pitcottie, History, vol. i. p. 219.

<sup>2</sup> Pinkerton, vol. i. p. 334, has represented the conflict which followed these dispositions as a brief skirmish, hurried to a conclusion by the timidity and flight of the king. Of this, however, there is no evidence.

approached the spot where the king had stationed himself. The lords who surrounded his person, implored him not to run the risk of death or captivity, which must bring ruin upon their cause, but to leave the field whilst there was yet a chance of safety. To this advice James consented, not unreluctantly, if we may believe his enemies; and whilst his nobles obstinately protracted the battle, the monarch spurred his horse, and fled at full speed towards the village of Bannockburn. The precaution, however, which was intended to secure his safety, only hastened his destruction. On crossing the little river Bannock, at a hamlet called Milltown, he came suddenly upon a woman drawing water, who, alarmed at the apparition of an armed horseman, threw down her pitcher and fled into the house.<sup>1</sup> At this noise the horse taking fright, swerved in the midst of his career, and the king, losing his seat and falling heavily, was so much bruised by the concussion and the weight of his armour, that he swooned away. He was instantly carried into a miller's cottage hard by, whose inmates, ignorant of the rank of the sufferer, but compassionating his distress, treated him with great humanity. They placed him on a bed; cordials, such as their poverty could bestow, were administered, and the unhappy monarch at length opening his eyes, earnestly required the presence of a priest, to whom he might confess before his death. On being questioned regarding his name and rank, he incautiously answered, "Alas! I was your sovereign this morning;" upon which the poor woman rushed out of the cottage, wringing her hands, and calling aloud for a priest to come and

<sup>1</sup> The cottage called Beaton's Mill, where the king was murdered, is still pointed out to the traveller; and the great antiquity and thickness of the walls corroborates the tradition.



confess the king. By this time a party of the straggling soldiers of the prince's army had reached the spot, and one whose name is not certainly known, but whom some historians assert to have been an ecclesiastic named Borthwick, in Lord Gray's service, hearing the woman's lamentation, announced himself as a priest, and was admitted into the cottage. He found the monarch lying on a flock-bed, with a coarse cloth thrown over him, and kneeling down, inquired with apparent tenderness and anxiety how it fared with him, and whether with medical assistance he might yet recover. The king assured him that there was hope, but in the meanwhile besought him to receive his confession, upon which the ruffian bent over him, under pretence of proceeding to discharge his holy office, and drawing his dagger, stabbed his unresisting victim to the heart, repeating his strokes till he perceived life to be completely extinct. The atrocity of the deed seems to have had the effect of throwing over it a studied obscurity; so that, although it is asserted that the murderer carried off the body of his sovereign, his movements were never certainly traced, and his name and condition are to this day undiscovered. A body, however, ascertained to be that of James, was afterwards found in the neighbourhood, and interred with royal honours, beside his queen, in the abbey of Cambuskenneth.<sup>1</sup>

After the flight of the king, the battle was neither long nor obstinately contested. Anxious to save their army, and dispirited by a vague rumour of the death of their master, the royalist leaders retired upon Stirling, and were not hotly pursued by the prince, who is said to have been seized with sudden and overwhelming

<sup>1</sup> Ferrerius, p. 400. Lesley's History, p. 57. Mag. Sig. xiii. 251. 6th April, 1496.

remorse on being informed of the melancholy fate of his father. Dazzled, however, by his accession to the throne, and flattered by the professions of devotedness and affection of his party, these repentant feelings for the present were evanescent, although they afterwards broke out with a strength which occasionally imbittered his existence. In the battle the loss was on neither side very great, although the Earls of Glencairn and Bothwell, with the Lords Erskine, Semple, and Ruthven, were amongst the slain in the royalist party. The army of the insurgent nobles passed the night upon the field, and next day fell back upon Lintlithgow, when the lords permitted their vassals to disperse, and began anxiously to consult regarding the measures which it was necessary to adopt for the immediate administration of the government.<sup>1</sup>

Thus perished in the prime of life, and the victim of a conspiracy headed by his own son, James the Third of Scotland; a prince whose character appears to have been misrepresented and mistaken by writers of two very different parties, and whose real disposition is to be sought for neither in the mistaken aspersions of Buchanan, nor in the vague and indiscriminate panegyric of some later authors. Buchanan, misled by the attacks of a faction, whose interest it was to paint the monarch whom they had deposed and murdered, as weak, unjust, and abandoned to low pleasures, has exaggerated the picture by his own prejudices and antipathies; other writers, amongst whom Abercromby is the most conspicuous, have, with an equal aberration from the truth, represented him as almost faultless. That James had any design, similar to that of his able and energetic grandfather, of raising the kingly

<sup>1</sup> Ferrerius, p. 400.

power upon the ruins of the nobility, is an assertion not only unsupported by any authentic testimony, but contradicted by the facts which are already before the reader. That he was cruel or tyrannical is an unfounded aspersion, ungraciously proceeding from those who had experienced his repeated lenity, and who, in the last fatal scenes of his life, abused his ready forgiveness to compass his ruin. That he murdered his brother is an untruth, emanating from the same source, contradicted by the highest contemporary evidence, and abandoned by his worst enemies as too ridiculous to be stated at a time when they were anxiously collecting every possible accusation against him. Yet it figures in the classical pages of Buchanan; a very convincing proof of the slight examination which that great man was accustomed to bestow upon any story which coincided with his preconceived opinions, and flattered his prejudices against monarchy. Equally unfounded was that imputation, so strongly urged against this prince by his insurgent nobles, that he had attempted to accomplish the perpetual subjection of the realm to England. His brother Albany had truly done so; and the original records of his negotiations, and of his homage sworn to Edward, remain to this day, although we in vain look for an account of this extraordinary intrigue in the pages of the popular historians. In this attempt to destroy the independence of the kingdom, it is equally certain that Albany was supported by a great proportion of the nobility, who now rose against the king, and whose names appear in the contemporary muniments of the period; but we in vain look in the pages of the *Fœdera*, or in the rolls of Westminster and the Tower, for an atom of evidence to show that James, in his natural anxiety for assistance against a rebellion of his own subjects,

had ceased for a moment to treat with Henry the Seventh as an independent sovereign. So far, indeed, from this being the case, we know that, at a time when conciliation was necessary, he refused to benefit himself by sacrificing any portion of his kingdom, and insisted on the redelivery of Berwick with an obstinacy which in all probability disgusted the English monarch, and rendered him lukewarm in his support.

James's misfortunes, in truth, are to be attributed more to the extraordinary circumstances of the times in which he lived, than to any very marked defects in the character or conduct of the monarch himself, although both were certainly far from blameless. At this period, in almost every kingdom in Europe with which Scotland was connected, the power of the great feudal nobles and that of the sovereign had been arrayed in jealous and mortal hostility against each other. The time appeared to have arrived in which both parties seemed convinced that they were on the confines of a great change, and that the sovereignty of the throne must either sink under the superior strength of the greater nobles, or the tyranny and independence of these feudal tyrants receive a blow from which it would not be easy for them to recover. In this struggle another remarkable feature is to be discerned. The nobles, anxious for a leader, and eager to procure some counterpoise to the weight of the king's name and authority, generally attempted to seduce the heir-apparent, or some one of the royal family, to favour their designs, bribing him to dethrone his parent or relative by the promise of placing him immediately upon the throne. The principles of loyalty, and the respect for hereditary succession, were thus diluted in their strength, and weakened in their conservative effects; and from the constant intercourse, both commercial

and political, which existed between Scotland and the other countries of Europe, the examples of kings resisted or deposed by their nobles, and monarchs imprisoned by their children, were not lost upon the fervid and restless genius of the Scottish aristocracy. In France, indeed, the struggle had terminated under Lewis the Eleventh in favour of the crown; but the lesson to be derived from it was not the less instructive to the Scottish nobility. In Flanders and the States of Holland, they had before them the spectacle of an independent prince deposed and imprisoned by his son; and in Germany, the reign of Frederick the Third, which was contemporaneous with our James the Third, presented one constant scene of struggle and discontent between the emperor and his nobility, in which this weak and capricious potentate was uniformly defeated.<sup>1</sup>

In the struggle in Scotland, which ended by the death of the unfortunate monarch, it is important to observe, that whilst the pretext used by the barons was resistance to royal oppression and the establishment of liberty, the middle classes and the great body of the people took no share. They did not side with the nobles, whose efforts on this occasion were entirely selfish and exclusive. On the contrary, so far as they were represented by the commissaries of the burghs who sat in parliament, they joined the party of the king and the clergy, by whom frequent efforts were made to introduce a more effectual administration of justice, and a more constant respect for the rights of

<sup>1</sup> "Although," says Eneas Sylvius, in his address to the electoral princes, "we acknowledge Frederick to be our emperor and king, his title to such an appellation seems to be in no little degree precarious; for where is his power? You give him just as much obedience as you choose, and you choose to give him very little." "*Tantum ei parietis quantum vultis, vultis enim minimum.*" A sentence which might be applied with equal if not greater force to Scotland.

individuals and the protection of property. With this object laws were promulgated, and alternate threats and exhortations upon these subjects are to be found in the record of each successive parliament ; but the offenders continued refractory, and these offenders, it was notorious to the whole country, were the nobility and their dependents. The very men whose important offices ought, if conscientiously administered, to have secured the rights of the great body of the people—the justiciars, chancellors, chamberlains, sheriffs, and others—were often their worst oppressors : partial and venal in their administration of justice, severe in their exactions of obedience, and decided in their opposition to every right which interfered with their own power. Their interest and their privileges, as feudal nobles, came into collision with their duties as servants and officers of the government ; and the consequence was apparent in the remarkable fact, that, in the struggle between the crown and the aristocracy, wherever the greater offices were in the hands of the clergy, they generally supported the sovereign ; but wherever they were intrusted to the nobility, they almost uniformly combined against him.

When we find the popular historians departing so widely from the truth in the false and partial colouring which they have thrown over the history of this reign, we may be permitted to receive their personal character of the monarch with considerable suspicion. According to these writers, James's great fault seems to have been a devotion to studies and accomplishments which, in this rude and warlike age, were deemed unworthy of his rank and dignity. He was an enthusiast in music, and took delight in architecture, and the construction of splendid and noble palaces and buildings ; he was fond of rich and gorgeous dresses, and

ready to spend large sums in the encouragement of the most skilful and curious workers in gold and steel ; and the productions of these artists, their inlaid armour, massive gold chains, and jewel-hilted daggers, were purchased by him at high prices, whilst they themselves were admitted, if we believe the same writers, to an intimacy and friendship with the sovereign which disgusted the nobility. The true account of this was, probably, that James received these ingenious artisans into his palace, where he gave them employment and took pleasure in superintending their labours : an amusement for which he might have pleaded the example of some of the wisest and most popular sovereigns. But the barons, for whose rude and unintellectual society the monarch showed little predilection, returned the neglect with which they were unwisely treated, by pouring contempt and ridicule upon the pursuits to which he was devoted. Cochrane the architect, who had gained favour with the king by his genius in an art which, in its higher branches, is eminently intellectual, was stigmatized as a low mason. Rogers, whose musical compositions were fitted to refine and improve the barbarous taste of the age, and whose works were long after highly esteemed in Scotland, was ridiculed as a common fiddler or buffoon ; and other artists, whose talents had been warmly encouraged by the sovereign, were treated with the same indignity. It would be absurd, however, from the evidence of such interested witnesses, to form our opinion of the true character of his favourites, as they have been termed, or of the encouragement which they received from the sovereign. To the Scottish barons of this age, Phidias would have been but a stone-cutter, and Apelles no better than the artisan who stained their oaken wainscot. The error of the king lay, not

so much in the encouragement of ingenuity and excellence, as in the indolent neglect of those duties and cares of government, which were in no degree incompatible with his patronage of the fine arts. Had he possessed the energy and powerful intellect of his grandfather; had he devoted the greater portion of his time to the administration of justice, to a friendly intercourse with his feudal nobles, and a strict and watchful superintendence of their conduct in the offices intrusted to them, he might safely have employed his leisure in any way most agreeable to him; but it happened to this prince, as it has to many a devotee of taste and sensibility, that a too exquisite perception of excellence in the fine arts, and an enthusiastic love for the studies intimately connected with them, in exclusion of more ordinary duties, produced an indolent refinement which shrunk from common exertion, and transformed a character originally full of intellectual and moral promise, into that of a secluded, but not unamiable misanthropist. Nothing can justify the king's inattention to the cares of government, and the recklessness with which he shut his ears to the complaints and remonstrances of his nobility; but that he was cruel, unjust, or unforgiving; that he was a selfish and avaricious voluptuary; or that he drew down upon himself, by these dark portions of his character, the merited execration and vengeance of his nobles, is a representation founded on no authentic evidence, and contradicted by the uniform history of his reign and of his misfortunes.

By his queen, Margaret, daughter to Christiern king of Denmark, James left a family of three children, all of them sons: James, his successor; a second son, also named James, created Marquis of Ormond, and who afterwards became Archbishop of St Andrews;



and John earl of Mar, who died without issue. The king was eminently handsome; his figure was tall, athletic, and well proportioned; his countenance combined intelligence with sweetness; and his deep brown complexion and black hair resembled the hue rather of the warmer climates of the south, than that which we meet in colder latitudes. His manners were dignified, but somewhat cold and distant, owing to his reserved and secluded habits of life. He was murdered in the thirty-fifth year of his age, and the twenty-eighth of his reign,

## CHAP. V.

## JAMES THE FOURTH.

1488—1497.

## CONTEMPORARY PRINCES.

*Kings of England.*Henry VII.  
Henry VIII.*Kings of France.*Charles VIII.  
Lewis XII.*Popes.*Innocent VIII.  
Alexander VI.  
Pius III.  
Julius II.

WHEN James the Fourth appeared in arms against his father, and, in consequence of the murder of that unfortunate prince, ascended the throne, he was a youth in his seventeenth year.<sup>1</sup> That he had himself originated the rebellion, or taken a principal part in organizing the army which dethroned the late king, does not appear; but that he was an unwilling, or a perfectly passive tool in the hands of the conspirators, is an assertion equally remote from the truth, although brought forward in the pages of our popular historians. It is, on the contrary, pretty apparent, that the prince was seduced and blinded by the flattery and false views offered by the discontented barons. He was

<sup>1</sup> He was born March 17, 1471-2; and at his accession was aged sixteen years and eighty-five days. MS. Notes of the Chronology of the reign of King James the Fourth, drawn up by the late Rev. Mr Macgregor Stirling. To this useful compilation, which is drawn almost exclusively from original documents preserved in the Register-house at Edinburgh, and in other collections, I have been greatly indebted in writing the history of this reign.

dazzled by the near prospect of a throne; and his mind, which was one of great energy and ambition, co-operated, without much persuasion, in their unworthy designs. After some time, indeed, the remonstrances of the few faithful adherents of his father, awakened in him a violent fit of remorse; but his first accession to the throne does not appear to have been imbittered by any feelings of this nature; and the voice of self-reproach was drowned for the time in the applauses of a flagitious but successful faction.

The leaders of this party did not lose a moment in rewarding their friends and adherents, and in distributing amongst themselves the offices which the rapid and total change in the administration of the government placed at their disposal. The assistance of the powerful families of the Humes and Hepburns was remunerated by grants dated the very day after the battle of Sauchie; the principal castles were intrusted to partisans of tried fidelity;<sup>1</sup> the money in the royal treasury was secured and delivered into the keeping of Sir William Knollys lord St John of Jerusalem, treasurer to the king; and a deputation, consisting of the Bishop of Glasgow, the Earls of Angus and Argyle, with the Lords Hailes and Home, repaired to the castle to examine and place in the hands of faithful persons, the jewels, and royal plate and apparel, which belonged to the late monarch at the time of his decease. The inventory taken upon this occasion is still preserved, and impresses us with no contemptible idea of the riches and splendour of the Scottish court.<sup>2</sup> After the body of the king had been interred in the abbey of Cambuskenneth,<sup>3</sup> with all due solemnity, the court

<sup>1</sup> Mag. Sig. xii. 8, June 16, 1488. Ibid. xii. 7, June 17, 1488.

<sup>2</sup> See Illustrations, letter R.

<sup>3</sup> For proof of the interment of James the Third in the abbey of Cambuskenneth, see Mag. Sig. xiii. 251, April 6, 1496.

immediately proceeded to Perth, and held the ceremony of the coronation in the abbey of Scone.<sup>1</sup> The organization of the government, and distribution of its various offices to persons of tried fidelity, now took place. To the Prior of St Andrews was committed the keeping of the privy seal; upon the Earl of Argyle was bestowed the high office of chancellor; Hepburn lord Hailes was made master of the household; the Lords Lyle and Glammis became justiciaries on the south and north of the Forth; Whitelaw sub-dean of Glasgow was chosen to fill the office of secretary to the king; and upon the Vicar of Linlithgow, another of the now influential family of the Hepburns, was bestowed the office of clerk of the rolls and the council.<sup>2</sup>

From Scone the king proceeded to his palace of Stirling, where he took up his residence; and it seems to have been immediately resolved by the members of his council that an embassy should proceed to England, for the purpose of conciliating the favourable disposition of that government to the revolution which had lately taken place in Scotland. It was perhaps dreaded that the spectacle of a prince dethroned by his subjects, under the authority of his son, was not likely to be acceptable to the English monarch; but Henry the Seventh, with his characteristic caution, did nothing precipitately. He granted safe-conducts to the Scottish ambassadors at the request of his dear cousin, James king of Scots; whilst he, at the same time, took the precaution to provision and strengthen

<sup>1</sup> Balfour states, vol. i. p. 214, that James was crowned at Kelso. Pitscottie places the coronation, equally erroneously, at Edinburgh; and Lesley and Buchanan are silent on the subject. The Lord High-treasurer's books, under the date of July 14, 1488, prove it to have been at Scone. The day on which the coronation was held, seems to have been the 26th of June.

<sup>2</sup> Mag. Sig. xii. 1, June 25, 1488.

Berwick, a fortress against which, in the event of hostilities, he knew the chief efforts of Scotland would be directed.<sup>1</sup> The successful faction, however, in whose hands the government was now placed, were too anxious to preserve tranquillity at home to dream at present of a war with England. To conciliate the attachment of the youthful monarch, to reward their principal partisans, to arrest and disarm their enemies, and to acquire the affection of the people, by evincing an anxiety for the administration of justice, were objects which afforded them full employment. James already, at this early age, began to evince that admiration for the fair sex which wrought him much distress in his after years; and an attachment which he had formed, when Duke of Rothesay, for the Lady Margaret Drummond, the beautiful and unfortunate daughter of Lord Drummond, was encouraged by the obsequious father and the nobles who filled the principal offices about court.<sup>2</sup> Splendid shows and presents, which were lavished on his mistress; theatrical entertainments, got up for the solace of the youthful lovers; dances and masked balls at night, and hunting parties during the day, were artfully provided by those unscrupulous ministers, who knew that there is no more effectual method of degrading and destroying the human character, than by dissolving it in pleasure.<sup>3</sup>

Amidst such revellings, however, the lords of the

<sup>1</sup> Rotuli Scotiæ, vol. ii. pp. 485, 486.

<sup>2</sup> Treasurer's Books, Sept. 15, 1488; and Ibid. October 3. For twa elne of francshe to be hir my Lady Mergatt, a gounne, v. lb. Item, for three elne of black ryasillis for a gounne till her, v lb. viii. sh. Item, for golde, aysure, silver, and colouris till it, and warken of it, vi lb. xvii sh. Item, for three unce of sylkis to frenzeis till it, xiii sh. Illustrations, Letter S.

<sup>3</sup> Treasurer's Books, August 5, 1488. To the players of Lythgow that playt to the king, v. lb. Ibid. August 20. Item, to dansaris and gysaris, xxxvi. sh. Ibid. August 16. Ibid. August 10.

council devoted themselves uninterruptedly to more serious employment. Summonses of treason were issued against the Earl of Buchan, the Lords Forbes and Bothwell, along with Ross of Montgrenan, the king's advocate, whose bravery in a skirmish at the bridge of Stirling, previous to the battle of Sauchie, had endangered the life of the present king. These barons were commanded to abide their trial in the next parliament, and along with them were associated the Lairds of Cockpule, Amisfield, Innermeith, and Innes, with Sir Thomas Fotheringhame and Sir Alexander Dunbar.<sup>1</sup> At the same time, the lords justiciars, accompanied by the king in person, held their ambulatory courts or justice-ayres at Lanark, Dundee, Ayr, and other parts of the kingdom, taking care that the monarch should be attended by his huntsmen and falconers, his fool, "English John," and his youthful mistress, the Lady Margaret, lest a too exclusive attention to business should irritate or disgust the royal mind. A three years' truce was soon after concluded with England; and on the 6th of October, the first parliament of the new reign was opened at Edinburgh, with great solemnity. It was numerously attended by all the three estates. For the clergy, there appeared Schevez archbishop of St Andrews, with the prelates of Glasgow, Dunkeld, Aberdeen, Whitchurch, Dunblane, and the Isles, fourteen abbots, four priors, and various officials, deans, archdeans, and provosts of collegiate churches: for the temporal estate, there were present, the Earl of Argyle chancellor, along with the Earls of Angus, Huntley, Moriton, Errol, Marshal, Lennox, Rothes, and Athole; the Lord Hailes master of the household, Lord Lyle

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 201-206.

high justiciar, with the Lords Hamilton, Glamis, Gray, Oliphant, Montgomery, Drummond, Maxwell, Grahame, Carlisle, Dirleton, and other noble persons, entitled either by their rank or by their offices to sit in parliament. There were present also the commissaries of the fifteen burghs. Upon the second day a committee of parliament, known as usual by the title of the Lords of the Articles, was nominated, consisting of nine members for the clergy, fourteen for the barons, and five for the burghs; whilst a smaller judicial committee, embracing three members of each estate, was selected for the decision of those weighty causes which were brought before parliament as a court of last appeal.

These preliminaries having been arranged, the more immediate business of the parliament proceeded, and the Earl of Buchan, Lord Bothwell, Ross of Montgremnan the king's advocate, and others who had appeared in arms at the field of Stirling, were summoned to answer upon a charge of treason. Of these persons the Earl of Buchan made confession of his guilt, and submitted himself to the king's mercy, a procedure which was rewarded by his pardon and restoration to the royal favour. The others were found guilty, and sentence of forfeiture pronounced against them; but in perusing the crimes laid to their charge, we must remember that the object of the opposite party, who now ruled all at court, was to throw the odium of the late rebellion on their opponents. They accused them accordingly of bringing in upon the kingdom their enemies of England; of an attempt to reduce under subjection and homage to that country the independent crown of Scotland; and of having advised their late sovereign, James the Third, to infringe repeatedly the stipulations which he had entered into with the

nobles who were in arms against him.<sup>1</sup> There can be little doubt that if any party in the state were truly guilty of such crimes, it was rather that of the youthful king than those who had adhered to his father ; but the treason of the prince's party had been crowned with success, and they were now all-powerful. Although Buchan, therefore, was pardoned upon his submission, Lord Bothwell was forfeited, and his lands and lordship erected into an earldom, and bestowed upon Lord Hailes, the master of the household ; whilst the lands of Ross of Montgrenan, who at the same time was found guilty of treason, were conferred on Patrick Hume of Fast castle, for his services in the late disturbances. It was determined, also, that an embassy should be despatched to France, Spain, and Brittany, for the purpose not only of confirming amicable relations between Scotland and these powers, but with a special commission to search for a wife to the king, taking care that she be " a noble princess born, and descended from some worshipful house of ancient honour and dignity." The embassy was directed to consist of a bishop, an earl, a lord of parliament, a clerk, and a knight, with a retinue of fifty horse, and, for the payment of their expenses, a tax of five thousand pounds was to be levied throughout the kingdom, two thousand to be contributed by the clergy, two thousand by the barons, and one thousand by the burghs ; whilst at the same time it was specially directed, that the contribution of the barons was to be paid by them and the free tenants, and not by the common people.

A remarkable enactment followed. In consequence of the high displeasure conceived by the sovereign against

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 210.



all who by their appearance in the field at Stirling were regarded as the chief promoters of the slaughter of his late father, it was directed that such of the rebels as were in possession of hereditary offices should be deprived of them for the period of three years. A determined effort was next made for the putting down of theft, robbery, and murder, crimes which at this moment were grievously prevalent, by dividing the kingdom into certain districts, over which were placed various earls and barons, to whom full authority was intrusted, and who promised on oath, that they would to their utmost power exert themselves in the detection and punishment of all offenders. The Merse, Lothian, Linlithgow, and Lauderdale, were committed to the care of Lord Hailes and Alexander Hume the chamberlain, and Kirkcudbright and Wigtown also to Lord Hailes; Roxburgh, Peebles, Selkirk, and Lanark, were intrusted to the Earl of Angus; whilst the same powerful baron, along with Lord Maxwell, undertook the charge of Dumfries. The districts of Carrick, Ayr, Kyle, and Cunningham, were committed to Lord Kennedy, the Sheriff of Ayr, the Laird of Craigy, and Lord Montgomery; Renfrew, with Dunbarton, the Lennox, Bute, and Arran, to the Earl of Lennox, Lord Lyle, and Matthew Stewart; Stirlingshire, to the Sheriff of Stirlingshire, and James Shaw of Sauchie; Menteith and Straitgartney, to Archibald Edmonston; Argyle, Lorn, Kentire, and Cowal, to the chancellor, assisted by his son the Master of Argyle; Glenurquhart, Glenlyon, and Glenfalloch, to Neil Stewart, with Duncan and Ewen Campbell; Athole, Strathern, and Dunblane, to the Earl of Athole, Lord Drummond, and Robertson of Strowan; the low country of Perthshire, and the district of Dunkeld, to Lord Oliphant; Angus, both in its highland and lowland district, to Lords Gray and

Glammis, with the Master of Crawford ; the sheriffdom of Fife, to Lord Lindsay and the sheriff of the county ; the Mearns, to the Earl Marshal ; and the extensive district reaching from the hilly range called the Mounth northward to Inverness, to the Earls of Huntley and Errol, and the Laird of Inverugy.<sup>1</sup>

The parliament next directed their attention to the investigation of the causes of the late rebellion. From such interested judges, however, it would be vain to look for an impartial examination of this momentous question, and we accordingly find that the whole blame was thrown upon the late king and his iniquitous advisers, for so his ministers were denominated. The object of the conspirators was, of course, to deceive the people and the portion of the nobility and middle classes not immediately connected with the rebellion, and to ensure safety to themselves under any subsequent revolution, by enabling them to plead a parliamentary pardon. It is not, therefore, matter of surprise that the opinion of parliament should be couched in strong terms. It declared that, the whole matter having been examined by the three estates, they were unanimously of opinion, each man for himself, and under his loyalty and allegiance, that the slaughter committed in the field of Stirling, where the king's father happened to be slain, with others of his barons, was wholly to be ascribed to the offences, falsehood, and fraud, practised by him and his perverse counsellors, previous to this fatal conflict. The acquittal of the young king and his advisers was equally broad and energetic ; and, considering who it was that composed the act, it is difficult to peruse it without a smile. It observed, "that our sovereign lord that now is, and the true lords and

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 208.

barons who were with him in the same field, were innocent, quit, and free of the said slaughters, battle, and pursuit, and had no blame in fomenting or exciting them ;” and it recommended that a part of the three estates, now assembled, selected from the bishops, great barons, and burgesses, should affix their seals to this declaration, along with the great seal of the kingdom, to be exhibited to the pope, the Kings of France, Spain, Denmark, and such other realms as were judged expedient by the parliament.<sup>1</sup> In addition to these measures adopted for their own security, the party who now ruled the government commanded that all goods and moveables belonging to “the poor unlanded folk,” which had been seized during the troubles, should be restored ; that all houses, castles, and lands, which had been plundered and occupied by the lords of the “one opinion” or of the other, should be again delivered to their proprietors ; and that the heirs of those barons and gentlemen who died in arms against the king in the battle of Stirling, should be permitted to succeed to their hereditary estates and honours, notwithstanding the legal impediment arising out of their having been slain when in a state of rebellion.

The remaining provisions of this parliament related to the administration of justice, the commerce and the coinage of the realm, and the rewards and offices bestowed upon those who had figured in the late rebellion. It was directed that the king should ride in person to the various justice-ayres, and that his high justiciar should accompany him. Crichton of Ruthven was appointed warden of the mint, with injunctions to examine and assay the fineness of the gold and silver ; and a singular provision was added, relative to the im-

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 207.

portation of bullion into the country. The merchants were commanded to bring in a certain bulk of pure bullion, called in the act *burnt silver*, in proportion to the description and quantity of the goods which they exported.<sup>1</sup> It was next ordered that the castle of Dunbar should be entirely dismantled and destroyed, on account of the damage which it had already occasioned to the kingdom, and the likelihood of greater injury, in the event of its falling into the hands of the enemies of the government. The command of Edinburgh castle, with the custody of the Lord James duke of Ross, the king's brother, whose education had hitherto been conducted in his tender years by Shaw the abbot of Paisley, was intrusted to Lord Hailes, master of the household; and another powerful border baron, Alexander Hume of Hume, was rewarded for his services by the office of high chamberlain.<sup>2</sup> In the same parliament, the penalties of treason were denounced against the purchasers of presentations to benefices at the court of Rome, whether clergy or seculars, by which great damage was occasioned to the realm; and the proceedings were closed by a declaration, that all grants signed by the late king, since the 2d of February, 1487, the day upon which the prince, now king, took the field in arms against his father, were revoked, because made for the assistance of that treasonable faction which had been enemies to the realm, and had occasioned the death of the king's father.<sup>3</sup> Such is a view of the principal proceedings of four successive parlia-

<sup>1</sup> Thus for every serplaith of wool, for every last of salmon, for every four hundredth of cloth, four ounces of bullion were to be brought in, for which, on its delivery to the warden of the mint, the importer was to be paid at the rate of twelve shillings an ounce.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 211. Mag. Sig. xii. 52. October 13, 1488.

<sup>3</sup> Acts of the Parliament of Scotland, vol. ii. pp. 211, 223.

ments, the first of which, as already noticed, met on the 6th of October, 1488, and the last on the 3d of February, 1489.

But although the proceedings of the faction which had deposed and slain the king were vigorously conducted, and their measures for the security of their own power, and the destruction of their opponents, pushed forward with feverish haste and anxiety, it was soon demonstrated that they were ineffectual. The Earl of Lennox and Lord Lyle, disappointed probably with the division of the plunder, broke into revolt. Lyle occupied the strong fortress of Dunbarton, and held it out against the king; whilst Lennox and Matthew Stewart raised their vassals, garrisoned their castles and strongholds, and, communicating with the northern counties, where attachment to the government of the late monarch seems to have been stronger than around the court, succeeded in organizing a serious insurrection. In the murder of James the Third, they possessed a subject for powerful appeal to the feelings of the nation, of which they were not slow to avail themselves. Lord Forbes marched through the country with the king's bloody shirt displayed upon the end of a spear, and this ghastly banner excited multitudes to join the insurrection. It was affirmed, and apparently on good grounds, that those who had cruelly murdered the father, now completely overruled the son, abusing his youthful facility of temper, and intruding into the highest offices of the state. Lord Drummond, whose daughter was mistress to the young monarch, presuming upon this circumstance, insulted the authority of the laws; and with his sons and kinsmen committed open spoliation in the country;<sup>1</sup> whilst Hepburn of Hailes, whom we have

<sup>1</sup> *Acta Dominorum Concilii*, Oct. 22, 1488. *Ibid.* Nov. 3.

seen in the former reign in the rank of a minor baron, and whose conduct was then marked only by lawlessness and ferocity, suddenly rose into a state of power and consequence, which left the oldest nobility in the background. Within less than a year he had been created Earl of Bothwell, promoted to the office of lord high admiral, intrusted with the command of the castles of Edinburgh, Lochmaben, and Treiff, with the custody of the king's brother, the Duke of Ross, and the wardenship of the western and middle marches.

But although liable to the charge of partiality and favouritism, the government of the young monarch partook of that energy which, in a greater or lesser degree, is always elicited by a revolution. Unlike his predecessors in the jealousy of the power of the nobles, James seems, on the contrary, to have early adopted the opinion, that the monarch was singly far too weak either to abridge the authority of his barons, or to rule the kingdom without their cordial co-operation. In the fate of his father he had before his eyes a terrible example of aristocratic vengeance; and aware that the same remorseless hands which had placed the crown upon his head, might, if provoked or injured, be the first to remove it in favour of a more obsequious prince, he determined to secure the stability of his throne by cultivating the affectionate attachment of his nobility. Amongst them were many men of great intellectual vigour, and military talent. Drummond, the Earl of Bothwell, Hume the high chamberlain, Argyle the chancellor, and Whitelaw subdean of Glasgow, the secretary, were all able assistants; and the character of the king himself, who was not only generous, open-hearted, and liberal almost to profusion, but who possessed fair abilities along with great activity and

courage, was well fitted to secure their friendship, and command their respect.

It is not surprising, therefore, that the united strength of the throne and the nobles was too powerful for the rash attempt of Lennox. At the head of a force rapidly raised for the occasion, and accompanied by his chief officers of state, the king laid siege to his castles of Duchal and Crookston, which had been occupied by the rebels; whilst he sent Argyle the chancellor to assault Dunbarton, which was then held by Lord Lyle, and Lennox's eldest son, Matthew Stewart.<sup>1</sup> Proclamation was also made, offering a reward of forty pounds' worth of land, or one thousand marks of silver, for the apprehension of these barons; and so vigorously did the young monarch proceed in his bombardment of Crookston and Duchal,<sup>2</sup> that he made himself master of both places within a short period. He then marched towards Dunbarton, where the rebels, having been joined by Lord Forbes, the Earl Marshal, Lord Crichton, and the master of Huntley, only awaited the arrival of Lennox, before they made a united and desperate effort for the destruction of that faction which, as they alleged, had enslaved the king, and risen on the ruins of the established government. They were not destined, however, to be successful. On his descent from the Highlands into the low country, Lennox's first intention was to pass the bridge at Stirling. Receiving information, however, that his enemies had occupied the town, and rendered this impracticable, he resolved to cross the Forth at a ford not far from the source of the river, and for this purpose encamped

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 223.

<sup>2</sup> The siege of Duchal seems to have taken place in the end of July 1489. Mag. Sig. xii. 132. July 28, 1489. There were still some remains of this ancient castle in 1792. Stat. Account, vol. iv. p. 278.

in a level plain called Talla Moss, about sixteen miles from Stirling. His force was principally composed of highlanders; and one of these mountaineers, named Macalpin, deserting the camp, brought intelligence to the king and Lord Drummond, at Dunblane, that it would be easy to destroy Lennox by a night attack, his army being so secure and careless that they used no precautions against a surprise. This enterprise was no sooner suggested than it was carried into effect. In the middle of a dark October night, Drummond and the young monarch, at the head of a force hastily raised, and chiefly composed of the royal household, broke in upon the intrenchments of Lennox, and slew, dispersed, or made prisoners his whole army, pursuing the fugitives as far as Gartalunane, on the opposite side of the river. This success was immediately followed by the surrender of Dunbarton, and the complete suppression of the conspiracy; after which the sovereign and his ministers appear to have acted with a judicious clemency, which had the effect of quieting the kingdom; Lennox, Huntley, Marshal, Lyle, and Forbes, being not only pardoned, but soon after restored to the royal favour.

The necessary consequence of this abortive attempt at insurrection, was to give additional strength to the government; and a brilliant naval action which took place about the same time, increased its popularity. Under the former reign, Sir Andrew Wood, a naval officer of high talent and experience, had distinguished himself by his successes against the English; but his attachment to his old master, James the Third, of whom he was a favourite, prevented him from giving in his immediate adherence to the government of his son. He was soon reconciled, however, to the young monarch, who early evinced an enlightened desire to



encourage the maritime strength of the country, by applying himself personally to the study of ship-building and naval tactics; and, about the time of Lennox's defeat, Wood commanded a small squadron in the Forth, which had been successful in its cruises against the English pirates who then infested the narrow seas.<sup>1</sup> Unauthorized by their own government, these audacious adventurers committed great depredations, plundering the Scottish merchantmen and fishing-craft, making descents upon the coast towns, and carrying off their riches and their inhabitants. At this time, a fleet of five pirate ships had entered the Clyde, and after committing their usual havock, greatly incensed the young monarch by giving chase to a vessel which was his own property.<sup>2</sup> James earnestly represented the matter to Wood, and required his assistance in repelling so unjustifiable an attack, committed at a period of profound peace, when a three years' truce existed between the two countries. Nor, whatever might be his opinion regarding the persons who managed the government, could this brave officer resist the appeal of his sovereign. With only two ships, the *Flower* and the *Yellow Carvel*, he attacked the English squadron; and notwithstanding his inferiority in force, after an obstinate action, the five piratic vessels were captured and carried into Leith.<sup>3</sup> If we are to believe the Scottish historians, the King of England, although in the time of truce he could not openly attempt retaliation, or

<sup>1</sup> That the exploits of Sir Andrew Wood were performed against pirates is proved by a charter dated May 18, 1491. *Mag. Sig.* xii. 304. *Illustrations*, letter T.

<sup>2</sup> *Treasurer's Books*. Feb. 18, 1489. Item, after the kingis schip was chaysit in Dunbertane be the Inglismen, and tynt hir cabillis and oder graytht sent with Johne of Haw, xviii lb.

<sup>3</sup> It is probable that this first action of Sir Andrew Wood took place some time after the 18th of February, 1489.

give his countenance to hostilities, took care to let it be understood that nothing would be more grateful to him than the defeat of Wood; and Stephen Bull, an enterprising merchant and seaman of London,<sup>1</sup> having fitted out three stout vessels, manned by picked mariners, a body of crossbows and pikemen, and various knights who volunteered their services, proceeded with much confidence of success against the Scottish commander. Bull, who had intelligence that Wood had sailed for Flanders, and was soon expected on his voyage homeward, directed his course to the May, a small island in the mouth of the Firth of Forth, about an equal distance from the opposite shores of Fife and Lothian, behind which he cast anchor, and, concealed from any vessels entering the Forth, awaited the expected prize. It was not long before two vessels appeared in the looked-for course, off St Abb's Head, a promontory on the coast of Berwickshire; and the English captain, who had seized some Scottish fishing-boats with their crews, sent the prisoners aloft to watch their approach, and report whether it was Wood. On their answering in the affirmative, Bull cleared his ships for action, and the Scottish admiral, who sailed fearlessly onward and little dreamt of interruption, found himself suddenly in the presence of the enemy. He had time, however, for the necessary orders; and such was the excellent discipline of his ships, and rapidity of his preparations, that the common

<sup>1</sup> I find in the valuable historical collections, entitled, "*Excerpta Historica*," edited by Sir Harris Nicolas, No. I., p. 118, the following entry in the privy purse expenses of Henry the Seventh. "To Steven Bull, and Barnesfeld, seeking for Perkin, for their costs, £1, 6s. 8d." Perkin Warbeck, at this time, (1498,) had eluded his keepers, and fled to the sea-coast, and Henry, afraid of his making his escape from the kingdom, employed Bull, probably his most active sea captain, to watch the coast and recapture him. This is corroborated by the next entry. "To four yeomen watching one night with four botes, 6s. 8d."

mischiefs of a surprise were prevented, and his gunners, pikemen, crossbows, and firecasters, stood ready at their several stations, when he bore down upon the English. All this had taken place in the early dawn of a summer morning; and whilst Wood skilfully gained the windward of his opponents, the sun rose, and shining full upon them, exhibited their large size and splendid equipment to the best advantage. Bull instantly opened his cannonade, with the object of deciding the action whilst the Scots were still at some distance; but, from the inferior dimensions of their ships, the shot passed over them and took little effect; whilst their opponent hoisted all his canvass, and ran close in upon the English, casting out his grappling hooks, and even lashing the enemy's ships by cables to his own. A close and dreadful combat succeeded, in which both parties fought with equal spirit, so that night parted the combatants, and found the action undecided. In the morning the trumpets sounded, and the fight was renewed with such determined bravery, that the mariners, occupied wholly with the battle, took little heed to the management of their vessels, and permitted themselves to be drifted by a strong ebb-tide into the mouth of the Tay. Crowds of men, women, and children, now flocked to the shore, exhibiting, by their cries and gesticulations, the interest they took in their countrymen; and at last, though with great difficulty, the valour and superior seamanship of Wood prevailed over his brave opponent. The three English ships were captured and carried into Dundee, whilst Bull, their commander, was presented by Wood to his master, King James, who received him with much courtesy, and after remonstrating against the injuries inflicted by the English privateers upon the Scottish shipping, dismissed him without ransom, and

gave the prisoners their liberty. It is said, however, that he at the same time warned Henry that this liberal conduct could not be repeated; and that he trusted the lesson given to his captains, would convince him that the Scots possessed the power of defending their commerce, which they would not scruple to exert, on every occasion where the liberties of their merchantmen were invaded. To Wood, the king, with the ardour and enthusiasm for warlike renown which distinguished his character, extended his special favour. When the seaman was not engaged in his naval or commercial duties—for the two professions of a merchant and a sailor were then strictly connected—he retained him at court, kept him much about his person, rewarded him by grants of lands, and, under his instructions, devoted much of his attention to the improvement of the naval strength of his dominions.

Soon after this, an extraordinary conspiracy against the Scottish monarch was fostered at the English court, of which James and his ministers appear at the moment to have had no suspicion. Ramsay lord Bothwell, the favourite of James the Third, who, after the accession of his son, had escaped to England, along with the Earl of Buchan, so lately the subject of the royal clemency, and a person designing himself “Sir Thomas Tod, of the realm of Scotland,” entered into an agreement with Henry the Seventh, that they would seize and deliver the King of Scots, and his brother the Duke of Ross, into the hands of the English monarch. To assist them in this treasonable enterprise, Henry advanced the loan of two hundred and sixty-six pounds, which, as he carefully stipulated, was to be restored to him by a certain day; and for the fulfilment of this agreement, Tod delivered his son

as a hostage.<sup>1</sup> It is affirmed in the obligation drawn up at Greenwich, unfortunately the only public paper which throws light upon this dark transaction, that besides Buchan, Bothwell, and Tod, various other persons were involved in the conspiracy. Their names certainly appeared in the original "indentures:" but these are now lost; and such seems to have been the secrecy which covered the whole transaction, that, at the moment when the English king was engaged in bribing James's subjects to lay violent hands upon his person, the Scottish monarch had despatched the Archbishop of St Andrews on an embassy to England, and a meeting was appointed between his commissioners and those of Henry, to make an amicable arrangement regarding the mutual infractions of the truces upon the borders, and the prolongation of the pacific intercourse between the two kingdoms.<sup>2</sup>

Soon after this, the parliament assembled at Edinburgh, and various important measures were carried into effect regarding the foreign alliances of the country, and the internal administration of the government. The Earl of Huntley was appointed king's lieutenant north of the water of Esk, till the sovereign, who was now in his twentieth year, had reached the age of twenty-five. It was resolved that Hepburn earl of Bothwell, and the Bishop of Glasgow, should be sent on an embassy to France, for the purpose of renewing the alliance with that kingdom, and confirming the commercial privileges mutually enjoyed by the French and the Scottish merchants; after which the ambassadors were to proceed to the court of Spain, or other parts, to seek a bride for the young king. An embassy was also despatched to the court of Denmark,

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 440. April 18, 1491.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 497.

with the object of renewing the amicable commercial relations which already subsisted between Scotland and that country : some wise but ineffectual measures were attempted for the restoration of peace and good order, by the punishment of those who committed slaughter or rapine, and were guilty of dismembering the king's lieges : enactments were renewed against the old grievance of leagues or bands amongst the nobles and their feudal tenantry ; and the chancellor, with certain lords of council, or, in their absence, the lords of session, were commanded to sit for the administration of justice thrice every year. Attention was also paid to the interests of the burghs. It was ordained " that the common good, meaning the profits and revenues of all the royal burghs within the realm, should be so regulated as to promote the prosperity of the town, by being spent according to the advice of the council of the burgh, upon things necessary for its security and increase ; whilst the burgh rents, such as lands, fishings, mills, and farms, were not to be disposed of except upon a three years' lease." At the same time, all sheriffs, bailies, and provosts of burghs, were commanded to take copies of the acts and statutes now passed, which were to be openly proclaimed within the bounds of their office.<sup>1</sup>

Some of the consequences which might easily have been anticipated from the conspiracy which had placed the young monarch upon the throne, began now to take place in Scotland. James, as he increased in years and understanding, became convinced that he had been made the tool of an artful and selfish faction, whose principal object was private plunder, the preservation of their own overgrown power, and the

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 227.

diminution of the authority of the crown. By degrees he called around him, and restored to places of trust and authority, the counsellors of his late father, whom he attached to his interests by the remorse which he expressed for his crime, and the warmth, openness, and generosity of his disposition. Amongst these advisers were some able individuals. Andrew Wood of Largo, whom we have so lately seen victor over the English fleet, and whose genius for naval adventure was combined with a powerful intellect in civil affairs, rose gradually to be one of the most intimate and confidential servants of the king, and appears to have been often consulted, especially in all his financial concerns. Wood combined in his character various qualities, which, to our modern judgment, appear strange and inconsistent. He was an enterprising and opulent merchant, a brave warrior and skilful naval commander, an able financier, intimately acquainted with the management of commercial transactions, and a stalwart feudal baron, who, without abating any thing of his pride and his prerogative, refused not to adopt, in the management of his estates, some of those improvements whose good effects he had observed in his voyages and travels over various parts of the continent. The advice of such a counsellor was of great value to the young monarch; and as Wood was remarkable for his affectionate attachment to the late king, and for the bold and manly tone in which he had reprobated the rebellion against him, it was not wonderful that his influence over the present sovereign should be exhibited in a decided change in the principles upon which the government was conducted. The leading lords who had instigated the revolt, were treated with coldness, suspicion, and, at last, open severity. The Earl of Angus, from his great estates and connexions

one of the most powerful nobles in Scotland, resented this by passing into England, where he concluded with Henry the Seventh a secret and treasonable treaty, of which, unfortunately, little but the existence is known.<sup>1</sup> On his return, however, he was met by the lion herald, who charged him in the king's name to enter his person in ward in his fortress of Tantallon;<sup>2</sup> and soon after James deprived him of his lands and lordship of Liddesdale, with the strong castle of Hermitage, which, as the price of his pardon, he was compelled to resign to the Earl of Bothwell admiral of Scotland, and warden of the west and middle marches.<sup>3</sup> A reward was offered at the same time to any person who should discover the murderers of the late king; but as it was well known that if this expression had been understood to include the authors of the conspiracy, the search could not have been a protracted one, the cautious proviso was added, that the sum was only to be given in the event of the informant making it certain who were the persons who slew the king "*with their own hands*;" an expression thrice repeated in the body of the statute, and from which it may perhaps be fairly inferred, that whilst the actual butcher of the unhappy prince was unknown, the "heavy murmurs" and voice of the people pointed out some potent individuals with whom it was certain that he was connected. It does not appear, however, that the hundred marks' worth of land in fee and heritage—the reward held out—was ever claimed by any one; and to this day the hand by which the king was so foully slain is unknown.

<sup>1</sup> Ayloffe's Calendars of Ancient Charters, p. 313. A fragment of these "Articles" is preserved amongst Rymer's unpublished collections, now in the British Museum. Henry VII. vol. i. p. 126.

<sup>2</sup> Treasurer's MS. Accompts, July 29, 1491.

<sup>3</sup> Mag. Sig. xii. 323, 344. March 6, 1491.



Another proof of the change of councils, and of the determination of the sovereign to withdraw his confidence from those who had possessed themselves of the supreme power immediately after the battle of Sauchie, is to be found in a complaint which was now made regarding the disappearance of the royal jewels and treasure. We have already seen<sup>1</sup> that these, a few days after the death of the late king, were taken possession of by the Bishop of Glasgow, along with the Earls of Angus and Argyle, with the intention of being placed in the hands of faithful persons, who were to be responsible for their safe custody. It was now discovered, however, that a very small part of this treasure had reached the coffers of the king: a strict inquiry was ordered to be instituted for the detection of those who had stolen or concealed it; and they to whom it had been first intrusted were directed to be examined before the king's council, so that it might be discovered how they had parted with the treasure, into what hands it had been delivered, and what was its exact amount.<sup>2</sup> Whether such measures were followed by the desired success, seems more than problematical.

But although all this very decidedly demonstrated a change in the principles upon which the government was conducted, the party which headed the late rebellion were still too strong, and the young king had identified himself too deeply with their proceedings, to render it advisable to commence a more serious or direct attack: and with regard to the foreign relations of the country, the preservation of peace with England, and the maintenance of a friendly intercourse with the courts of France, Spain, Denmark, and the Netherlands,

<sup>1</sup> *Supra*, p. 442.

<sup>2</sup> Acts of the Parliament of Scotland, vol. ii. p. 230.

were wisely insisted on by the counsellors of the young monarch, as absolutely necessary for the well-being of his kingdom. Yet, secured as it was by repeated truces, and strengthened by negotiations and proposals of marriage for the young monarch with some princess of the blood-royal, the good understanding with England could neither be cordial nor sincere. The treasonable intercourse which some of the most powerful of James's subjects carried on with Henry the Seventh, and the audacious designs of seizing the king's person, which this monarch encouraged, if they transpired even partially, must have disgusted an ardent and impetuous spirit, such as James, with the crafty and dishonourable politics of the English king; and as it is certain that, at this period, in Scotland, the system of employing paid spies became prevalent, it may be conjectured that the king was not wholly ignorant of the plots in agitation against him. It was his secret desire, therefore, although not yet his declared resolution, to break with England; and the causes of the war which, in a few years, was kindled between the two countries, may be traced with great probability to this period: but, in the meantime, the appearance of peace was preserved, and James assiduously devoted himself to the preservation of good order throughout his dominions, and the distribution of strict and impartial justice to all classes of his subjects.

In a parliament held at Edinburgh, in the summer of the year 1493, some important laws were passed, which evinced the jealousy of the king regarding any interference with his ecclesiastical privileges in the disposal of church benefices, and his determination to resist all unreasonable encroachments upon the part of the court of Rome. Eight months were to be allowed, after the occurrence of a vacancy in any see, for the

king's letter, appointing a successor, to reach the pope ; no interim promotion was to be allowed ; and any of the lieges who were detected lending themselves, or their interest, to oppose these regulations, were declared guilty of treason. No legate was to be permitted to enter the realm, unless he was a cardinal, or a native of Scotland ; and the Archbishops of St Andrews and Glasgow, who had been for some time engaged in a violent litigation, which had been carried on before the papal court, and the expense of which plea had been attended, it is declared, with " inestimable damage to the realm," were exhorted to cease from their contention before a foreign ecclesiastical tribunal, submitting to the decision of the king, under the serious denunciation, that if they demur to this proposal, their tenants and " mailers" shall be interdicted from paying to them their rents, till they have repented of their contumacy.<sup>1</sup> The king's orators and ambassadors who were sent to Italy, received directions to exhort and entreat all his subjects, whether of the clergy or laymen, who had pleas depending in the Roman court, to withdraw their litigation, and to return, like dutiful subjects, to their own country, bringing with them their bulls, writs, and other muniments, after which the monarch undertook that justice should be administered to them by their ordinary judge, within whose jurisdiction the cause lay, and over whose conduct, in delivering an impartial decision, he engaged to have a strict superintendence. As the king had now attained majority, and his counsellors were anxious that the wild and capricious passions in which his youth had hitherto been passed, should, if possible, be restrained by a legitimate union, the proposal was renewed of sending an embassy abroad

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 232.

to treat in France, or in any other realm where it might be judged expedient, of the king's marriage; and in addition to the tax already agreed to by the clergy, barons, and commissaries of the burghs for this purpose, the three estates consented to give a thousand pounds additional, "for the honourable hame-bringing of a queen."

Some enactments were also passed at this time, which evinced a faint dawning of a more liberal spirit of commercial legislation than had yet appeared in parliament. The deacons and head craftsmen of particular trades, were in the custom of "imposing a taxation penny upon men of the same craft coming to market on the Mondays," by which it necessarily followed that the prices demanded for the articles were higher than those at which they had afforded to sell them previous to such an imposition. The tax was therefore commanded to be discontinued, so that the craftsmen, without interference upon the part of the deacons of the burghs, might be at liberty to sell their commodities at the usual prices. The parliament, however, proceeded too far, when they abolished, for a year to come, the office of deacons of men of craft in burghs, restricting their authority to the simple examination of the sufficiency and fineness of the work executed by the artisans of the same trade. It had been found, it was declared, that the authority of these officers, and the by-laws which they enacted, were the cause of great trouble in the burghs, in leading to convocations and "rysing" of the king's lieges, in increasing the prices of labour, and encouraging those combinations for the purpose of compelling a consent to their unreasonable demands, from which we have sometimes seen such injurious effects in our own days. It was declared, accordingly, that all "makers and

users of these statutes, were to be prosecuted as oppressors of the king's lieges." Another grievance was removed, which bore heavily upon the agricultural prosperity of the country. Hitherto the flour brought to the various markets throughout the kingdom, or to the port of Leith, had been subjected to the payment of a certain tax or "multure," in addition to the local tax for grinding, which, by the feudal law, it was bound to pay to the barony mill where it had been ground. This severe double duty was now removed; and it was declared that, for the future, all flour should be permitted to be brought to market, and sold without payment of any new taxation, and that all manner of persons should be free to bring and sell their victual throughout the land, all the days of the week, as well as on the market-days.<sup>1</sup>

An act followed which evinced in the legislature an awakening interest in the fishery; a branch of national wealth, from which, under proper cultivation, the richest fruits might be expected, but which had hitherto been unwisely neglected. It was enacted that, "considering the great and innumerable riches" that is lost for want of ships and boats, with their appropriate nets and tackling, which are found in all other realms commanding a great extent of sea-coast, the parliament judged it proper that ships and "buschis," or fishing-boats, should be built in all burghs and fishing-towns within the realm, so that they might be ready to proceed to the fishery before Fastren's Even following. These boats were directed to be of twenty tons, and the burghs and sea-coast towns were to be obliged to build and rig them out, according to their substance, with all conveniences for the taking of large and small fish. The officers in the burghs and regalities were

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 234.

ordered at the same time to apprehend and press on board these vessels all "stark idle men," under pain of their being banished in case of refusal.

Whilst the parliament was thus severe upon the idle and the dissolute who refused to submit to all regular labour, it is pleasing to discern a glimpse of sympathy for the unmerited suffering and hard condition of the great body of the lower orders of the people. In a former statute a severe fine had been imposed upon all persons who were detected setting fire to the heather or gorse in which the birds of game had their nests, a practice often absolutely necessary for the success of any attempt at agricultural improvement, but encroaching upon that feudal mania for hunting and hawking which, since the period of the Norman Conquest, had infected the nobles of Britain, and grievously abridged the rights and liberties of the subject. It was now discovered that the persons detected in "mureburning" were not the real offenders. "It was found," to use the expressive words of the statute, "that the poor bodies that dwelt in '*malings*,' or upon small divisions of land rented to them by their landlords, in setting fire to the gorse, were simply obeying the bidding of their masters;" and in consequence of this the fine was henceforth directed to be levied, not on this large and meritorious class, but upon the proprietors of the "maling," which they laboured.<sup>1</sup>

Some regulations regarding the coinage and importation of bullion, and an enactment by which the high and disproportionate prices which were charged by craftsmen and victuallers were ordered to be reduced to a more equitable standard, terminated the resolutions of the three estates in this parliament.<sup>2</sup>

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 235.

<sup>2</sup> Ibid. p. 238.

Hitherto there is reason to believe that the great majority of the barons were deplorably ignorant, and careless of all liberal education. A better spirit, however, now appeared; and the invention of printing, with the revival of classical learning, causes which had long been operating the happiest effects in the continental nations, began, from their frequent communication with Scotland, to be perceptible in producing the moral and intellectual improvement of that country. In a parliament held three years subsequent to that which has just been noticed,<sup>1</sup> it was ordered that, throughout the kingdom, all barons and freeholders, whose fortunes permitted it, should send their sons to the schools as soon as they were eight or nine years old, to remain there until they had attained a competent knowledge of the Latin tongue; after which they were directed to place them, for the space of three years, as pupils in the seminaries of art and law, so that they might be instructed in the knowledge of the laws, and fitted as sheriffs and ordinary judges, to administer justice, under the king's highness, throughout the realm; whilst, it is added, by this provision the "poor people of the land will not be obliged, in every trifling offence, to seek redress from the king's principal council."

For a considerable time past, the condition of the Highlands, and the reduction of such wild and remote districts under a more regular form of government than that to which they had hitherto submitted, appears to have been a subject which occupied a large share of the attention and anxiety of the sovereign. To attach to his interest the principal chiefs of these provinces; to overawe and subdue the petty princes

<sup>1</sup> Parliament, June 13, 1496.

who affected independence; to carry into their territories, hitherto too exclusively governed by their own capricious or tyrannical institutions, the same system of a severe, but regular and rapid administration of civil and criminal justice which had been established in his lowland dominions, was the laudable object of the king; and for this purpose he succeeded, with that energy and activity which remarkably distinguished him, in opening up an intercourse with many of the leading men in the northern counties. With the captain of the clan Chattan, Duncan Macintosh; with Ewan, the son of Alan, captain of the clan Cameron; with Campbell of Glenurcha; the Macgilleouns of Dowart and Lochbuy; Mackane of Ardnarmurchan; the Lairds of Mackenzie and Grant; and the Earl of Huntley, a baron of the most extensive power in those northern districts, he appears to have been in habits of constant and regular communication, rewarding them by presents, in the shape either of money or of grants of land, and securing their services in reducing to obedience such of their fellow chieftains as proved contumacious, or actually rose into rebellion.<sup>1</sup> But James was not content with this. He rightly judged that the personal presence of the sovereign in those distant parts of his dominions would be attended with salutary effects; and in 1490, on two different occasions, he rode, accompanied by his chief counsellors and the lords of his household, from Perth across the "Mounth," the term applied to the extensive chain of mountains which extends across the country, from the border of the Mearns to the head of Loch Rannoch.

<sup>1</sup> Treasurer's MS. Accounts, Nov. 21, 1488. Item, til ane man to passe to the lard of Frauchie [Grant] for a tratoure he tuke, x sch. Ibid. September 19, 1489. Ibid. October 22, 1489; November 10, 1489; August 16, 1490; August 26, 1492; August 18, 1493; January 5, 1493.



In 1493, although much occupied with other cares and concerns, he found time to penetrate twice into the Highlands, proceeding as far as Dunstaffnage and Mingarry in Ardnamurchan,<sup>1</sup> and in the succeeding year, such was the indefatigable activity with which he executed his public duties, that he thrice visited the Isles.<sup>2</sup> The first of these voyages, which took place in April and May, was conducted with great state. It afforded the youthful monarch an opportunity of combining business and amusement, of gratifying his passion for sailing and hunting, of investigating the state of the fisheries, of fitting out his barges for defence as well as pleasure, and of inducing his nobles to build and furnish, at their own expense, vessels in which they might accompany their sovereign. It had the effect also of impressing upon the inhabitants of the Isles a salutary idea of the wealth, grandeur, and military power of the king. The rapidity with which he travelled from place to place, the success and expedition with which he punished all who dared to oppose him, his generosity to his friends and attendants, and his gay and condescending familiarity with the lower classes of his subjects, all combined to increase his popularity, and to consolidate and unite, by the bonds of equal laws and affectionate allegiance, the remotest parts of the kingdom.

At Tarbet, in Kentire, he repaired the fort originally built by Bruce, and established an emporium for his shipping, transporting thither his artillery, laying in a stock of gunpowder, and carrying along with him his master-gunners, in whose training and practice he

<sup>1</sup> Mag. Sig. xiii. 200. August 18, 1493. Ibid. xiii. 104. October 25, 1493.

<sup>2</sup> Treasurer's Accounts, "To J. M'chadame, after Pasche, the time that the king past to the Isles, 3½ elns rowane tany iii lb. xvii shillings." April, 1494.

appears, from the payments in the treasurer's books, to have busied himself with much perseverance and enthusiasm.<sup>1</sup> These warlike measures were generally attended with the best effects; most of the chieftains readily submitted to a prince who could carry hostilities within a few days into the heart of their country, and attack them in their island fastnesses with a force which they found it vain to resist; one only, Sir John of the Isles, had the folly to defy the royal vengeance, ungrateful for that repeated lenity with which his treasons had been already pardoned. His great power in the Isles probably induced him to believe that the king would not venture to drive him to extremities; but in this he was disappointed. James instantly summoned him to stand his trial for treason; and in a parliament, which assembled at Edinburgh soon after the king's return from the north, this formidable rebel was stripped of his power, and his lands and possessions forfeited to the crown.<sup>2</sup>

A singular and interesting episode in the history of Scotland now presents itself in the connexion of James the Fourth with that mysterious impostor, Perkin Warbeck; and there seems to be a strong presumption, almost amounting to proof, that the plots of the Duchess of Burgundy received the countenance and support of the Scottish monarch at a much earlier period than is commonly assigned by the popular historians of either country.<sup>3</sup> One of the most remarkable features in the

<sup>1</sup> Treasurer's Accounts, July 5, July 24, 1494.

<sup>2</sup> Treasurer's Accounts, August 24, 1494. "Item, to summon Sir John of the Isles, of treason in Kintire, and for the expense of witnesses, vi lb. xlii sch. liii d." This, according to Mr Gregory, was Sir John, called "Canoch," or the handsome, of Isla and Kentire, and Lord of the Glens in Ireland; executed afterwards at Edinburgh about the year 1500.

<sup>3</sup> Warbeck's connexion with James is generally believed to have commenced shortly before his alleged arrival in Scotland, in 1496. It

government of the Scottish monarch, and one which strikingly points out the rising influence and importance of the kingdom, was the constant and intimate communication which he maintained with the continent. With France, Spain, Portugal, Denmark, and Flanders, the intercourse was as regular and uninterrupted, not only in the more solemn way of embassies, but by heralds, envoys, and merchants, as that carried on with England; and with the Duchess of Burgundy, the inveterate enemy of Henry the Seventh and the house of Lancaster, James had established a secret correspondence only five months after his accession to the throne. It is well known that the plots of this enterprising woman were chiefly fostered by her friends and emissaries in Ireland; and when we find, as early as the 4th of November, 1488, Sir Richard Hardelston and Richard Ludelay de Ireland, proceeding on a mission to the Scottish court from this princess, it is difficult to resist the conclusion that James was well aware of her intended conspiracy, although whether he was admitted into the secret of the imposition attempted to be practised upon England, is not easily discoverable.<sup>1</sup> This accession to the plot is corroborated by other strong facts. In the course of the same month, in which the first envoys arrived, James received letters from the duchess by an English herald; and towards the conclusion of the year in which this intercourse took place, the Scottish monarch was visited by a herald from Ireland, who was immediately despatched upon a private mission to the Duchess of

is certain, however, that he arrived there in 1495, and he seems to have been long in secret treaty with James.

<sup>1</sup> Mag. Sig. xii. 59. Nov. 4, 1488. Safe-conduct by James the Fourth at Edinburgh to Richard Hardelstoun, knight, and Richard Ludelay de Ireland, Englishmen, with forty persons, at the request of Dame Margaret duchess of Burgundy.

Burgundy, whilst a pursuivant was sent from Scotland to communicate with certain individuals in England, whose names do not appear.<sup>1</sup> It is well known that the conspiracy was encouraged by Charles the Eighth of France, who invited Perkin into his kingdom, and received him with high distinction; whilst the Earl of Bothwell, one of James's principal favourites and counsellors, repaired soon after to that court, and remained for some months engaged in these private negotiations. Warbeck was at this time treated like a prince. A guard of honour was appointed to wait upon his person, commanded by Monipenny Sieur de Concessault, a Scotsman by descent, but whose family had been long settled in France, and who, not long after, proceeded as ambassador to Scotland from the court of France.<sup>2</sup>

Towards the conclusion of the year 1491, the intercourse, which hitherto had been involved in great obscurity, became more open and avowed. Warbeck, who was then in Ireland, where he had been joined by the Earl of Desmond, despatched one of his English followers, named Edward Ormond, to the Scottish court with letters for the king; and the readiness with which James entertained the communication, although deeply engaged with the internal administration of his own dominions, evinces a prior intimacy with the conspiracy and its authors.<sup>3</sup> The intrigues, however, with which

<sup>1</sup> Treasurer's Accounts, Nov. 26, 1488. "To an English herald, that came with letters from the Dutcheess of Burgundy, x lb." Again, in Treasurer's Accounts, September 21, 1489, "Item, to Rowland Robyson, (this person was afterwards in the intimate confidence of Perkin,) that brought the letters to the king from the Dutcheess of Burgundy, v lb. viii sh." Ibid. Feb. 27, 1489. "Item, to the harrot that came furth of Ireland, and past to the Dutcheess of Burgundy, xviii lb. Item, to the Scottis bute persyvant that past the same time in England, xvii lb. viii. sh."

<sup>2</sup> Bacon's Life of Henry VII. Apud Kennet, vol. i. p. 607. Pinkerton, vol. ii. p. 28.

<sup>3</sup> Treasurer's Books, March 2, 1491. "Given at the king's com-

this extraordinary person was then occupied in France, England, and Flanders, left him little time to follow out his correspondence with the Scottish monarch; and it was not till the year 1494, that he renewed his intercourse with James. On the 6th of November of that year, the king received intimation from the Duchess of Burgundy, that the "Prince of England," the name by which he is mentioned in the ancient record which informs us of this fact, was about to visit Scotland; and preparations for his honourable reception were commenced at Stirling.<sup>1</sup>

Henry, however, there is reason to believe, was well aware of these intrigues in Scotland. Various Scotsmen, amongst the rest a Scottish knight of Rhodes, probably Sir John Knollis, who had lately passed into England, and Ramsay lord Bothwell, the favourite of James the Third, were in the pay of the English king;<sup>2</sup> whilst in Flanders, Lord Clifford, who had at first warmly embraced the cause of the counterfeit prince, was corrupted by a large bribe; and after amusing his friends and adherents by a series of negotiations, which drew into the plot some of the ancient and noble families of England, concluded his base proceedings by betraying them to the English monarch. This discovery was a fatal blow to the Yorkists. Their project was probably to have proclaimed Perkin in England, whilst his numerous adherents engaged to rise in Ireland; and the Scottish monarch was to break at the head of his army across the borders, and compel Henry to divide

mand to an Englishman, called Edward Ormond, that brought letters forth of Ireland fra King Edward's son and the Earl of Desmond, ix lb."

<sup>1</sup> "Item, for carriage of the arras work forth of Edinburgh to Stirling, for receiving the Prince of England, xxx sh." Treasurer's Books, November 6, 1494.

<sup>2</sup> Nicolas, *Excerpta Historica*, part i. p. 93.

his force. But the border chiefs, impatient for war, invaded England too soon; and it happened, unfortunately for Warbeck, that whilst a tumultuous force, including the Armstrongs, Elwalds, Crossars, Wighams, Nyksons, and Henrisons, penetrated into Northumberland,<sup>1</sup> with the hope of promoting a rising in favour of the asserted Duke of York, the treachery of Clifford had revealed the whole particulars of the conspiracy; and the apprehension and execution of the ringleaders struck such terror into the nation, that the cause of Perkin in that country was for the present considered hopeless.

He had still, however, to look to Ireland and Scotland. Amongst the Irish, the affection for the house of York, and the belief in the reality of his pretensions, was exceedingly strong. It is difficult, indeed, to discover whether the Scottish king was equally credulous; yet, either as a believer or a politician, James determined to support the sinking fortunes of the counterfeit prince. For this purpose an intercourse was opened up with Ireland, and O'Donnel prince of Tirconnel, one of the most powerful chiefs in that country, repaired to the Scottish court, where he was received by the king with great state and distinction.<sup>2</sup> The particulars of their conferences are unfortunately lost to history; but there can be little doubt that they related to the efforts which James had determined to make for the restoration of the last descendant of the

<sup>1</sup> This raid or invasion, which is unknown to our historians, is mentioned nowhere but in the record of justiciary, Nov. 1493. Mr Stirling's MS. Chron. Notes, pp. 50, 55.

<sup>2</sup> Treasurer's Accounts. Sub anno 1494. But without any further date. "Item, passing with lettres in the east and south landis, for the receiving of great Odonell, x shillings. Item, to Master Alex<sup>r</sup> Schawes expenses passing from the town of Air to Edinburgh for the cupboard, and remaining there upon the king's clothing, to the receiving of Odonnell, xx shillings."

house of York to the throne of his alleged ancestors. At this time war appears to have been resolved on ; and although Henry, justly alarmed by the state of his kingdom, still torn by public discontent and secret conspiracy, endeavoured to avert the storm by proposals for the marriage of James with his daughter the Princess Margaret,<sup>1</sup> this monarch rejected the alliance with coldness ; and resolved, that he who had not scrupled to sow treason amongst his barons, and to lay plots for the seizure of his person, should at length feel the weight of his resentment.

Accordingly, in the month of November 1495, Warbeck, under the title of Prince Richard of England, was received with royal honours at the palace of Stirling;<sup>2</sup> and whatever scepticism James may hitherto have indulged in, there is certainly strong ground to believe, that the art of this accomplished impostor, his noble appearance, the grace and unaffected dignity of his manners, and the air of mystery and romance which his misfortunes had thrown around him, contributed to persuade the king of the identity of his person, and the justice of his claim upon the throne of England. He was welcomed into Scotland with great state and rejoicing. The king addressed him as "cousin," and publicly countenanced his title to the crown. Tournaments and other courtly festivals were held in honour of his arrival ; and James, accompanied by his nobility, conducted him in a progress through his dominions, in which, by his handsome person and popular manners, he conciliated to himself the admiration of the people. But this was not all. The Scottish monarch bestowed upon his new ally the hand of Catherine

<sup>1</sup> Rymer, *Fœdera*, vol. xii. p. 572.

<sup>2</sup> Treasurer's Accounts, November 6, 1495. He arrived at Stirling, November 20.

Gordon, daughter of the Earl of Huntley, a lady of extraordinary beauty and accomplishments, who, by her mother, the daughter of James the First, was nearly related to the royal family; a step which appears to guarantee the sincerity of James's present belief in the reality of his pretensions.

More serious measures were now resorted to, and a general muster of the military force of the kingdom was ordered by "letters of weapon-schawings," which were followed by an order to the whole body of the lieges, including the men of the Isles, to meet the king at Lauder. A communication at the same time took place between the Irish and Anglo-Irish barons who supported in that island the cause of Perkin;<sup>1</sup> the king himself rode through the country, with his usual activity, superintending the equipment of the rude train of artillery, which had to be collected from various forts and castles;<sup>2</sup> Andrew Wood of Largo was despatched into the north with letters to the barons of that district; and all the preparations having been completed, the young monarch placed himself at the head of his army. He was accompanied by Warbeck, who, adopting the title of the Duke of York, was treated with distinguished honours, and equipped for war with a personal magnificence almost equal to that of the king. At this moment, Roderic de Lalain, with two ships, which bore a force of sixty German men-at-arms,

<sup>1</sup> Treasurer's Accounts, June 4, 1496. Ibid. June 29.

<sup>2</sup> Ibid. Sept. 1, 1496. Ibid. May 3. Ibid. May 10. "Item, to the man that gydit the king to Drymmyne (Drummond castle, in Strathern) that night, viiid. May 10, Item, to the king in Strivelin, to play at the cach. August 8, Item, to the man that castis the brazen chambers to the gun, xxviii sh. Item, Sept. 1, to John Lamb of Leith, for xxxvi gun-chambers, and for nykkis and bandis to ye gunnis, and for iron graith to the brazen gun, and lorkkis, finger, and boltis to the bombards that were in Leith. Sept. 9, For ane elne, half a quarte, and a nail of double red taffety to the Duke of York's (Perkin Warbeck) banner, for the elne, xviii sh."



arrived from Flanders, bringing with him, from the Duchess of Burgundy, arms, harness, crossbows, and other necessary military stores; whilst there landed at St Andrews, on a mission from Charles the Eighth, the Lord of Concressault, who had formerly commanded Perkin's body-guard in France.<sup>1</sup> The very selection of so intimate a friend of the counterfeit prince, indicated a secret disposition to favour his cause; and although the French monarch publicly proposed, by his ambassador, that he should be permitted to act as a mediator between Henry and the Scottish king, it is certain that he secretly encouraged the invasion. At the same time, many of the English, chiefly of the border barons, resorted to Perkin from Berwick and Carlisle; the Nevilles, Dacres, Skeltons, Lovels, and Herons, were in constant communication with him; and it was confidently expected by the young King of Scots, that the disposition in his favour would become general the moment he penetrated into England.<sup>2</sup>

But James, whose rash and overbearing temper often misled his judgment, was little aware of the means which Henry had sagaciously adopted to defeat the threatened invasion. With the Scottish people, who cared little for the pretensions of the house of York, or the cause of the mysterious stranger, the war was unpopular; and in Bothwell, the favourite of James the Third, who had been suffered by his son to remain in Scotland, Henry possessed an active and able partisan. By his means, the king's brother the Duke of Ross, the Earl of Buchan, and the Bishop of Moray, were induced to promise Henry their utmost assistance

<sup>1</sup> *Supra*, p. 475.

<sup>2</sup> Letters from Ramsay lord Bothwell, to Henry the Seventh, first published by Pinkerton, from the originals in the British Museum. Pinkerton's Hist. vol. ii. pp. 438, 443.

in defeating the object of the invasion ; the young prince even engaged to place himself under the protection of the King of England, the moment his royal brother crossed the borders ; and a plot for the seizure of Warbeck at night, in his tent, was, at Henry's suggestion, entered into between Buchan, Bothwell, and Wyat, an English envoy, which probably only failed from the vigilance of the royal guard, whom James had directed to keep watch round the pavilion.

Whilst many of the most powerful Scottish barons thus secretly lent themselves to Henry, and remained with the army only to betray it, others, who had been the friends and counsellors of his father, anxiously laboured to dissuade James from carrying hostilities to extremity ; but the glory of restoring an unfortunate prince, the last of a noble race, to his hereditary throne ; the recovery of Berwick, which he engaged to place in the hands of the Scottish king ; and the sum of one thousand marks, which he promised to advance for the expenses of the war, were motives too powerful to be resisted by the young monarch ; and after a general muster of his army at Ellame Kirk, within a few miles of the English border, he declared war, and invaded England. At this time, Warbeck addressed a public declaration to his subjects, in the name of Richard duke of York, true inheritor of the crown of England. He branded Henry as an usurper ; accused him of the murder of Sir William Stanley, Sir Simon Montfort, and others of the ancient barons and nobility ; of having invaded the liberties and franchises of the church, —and of having pillaged the people by heavy aids and unjust taxes. He pledged his word to remove these illegal impositions, to maintain uninjured the rights of the church, the privileges of the nobles, the charters of the corporations, with the commerce and manufactures

of the country ; and he concluded by setting a reward of one thousand pounds on Henry's head.

This proclamation was judiciously drawn up, yet it gained no proselytes ; and James, who had expected a very different result, was mortified to find that the consequences which had been predicted by his wisest counsellors were speedily realized. So long as Warbeck attempted to assert his pretended rights to the throne by the assistance of the English, whom he claimed as his own subjects, he had some chance of success ; but such was still the hatred between the two nations, that the fact of his appearance at the head of a Scottish army at once destroyed all sympathy and affection for his cause. Instead of a general rising of the people, the Scottish monarch found that the English border barons who had joined him, were avoided as traitors and renegades, and the large force of Germans, French, and Flemish volunteers, who marched along with the army, only increased the odium against the impostor, whilst they refused to co-operate cordially with their allies. James, however, held his desolating progress through Northumberland, and incensed at the failure of his scheme, and the disappointment of his hopes, with a cruel and short-sighted policy indulged his revenge by delivering over the country to indiscriminate plunder. It is said that Warbeck generously and warmly remonstrated against such a mode of making war, declaring that he would rather renounce the crown than gain it at the expense of so much misery : to which James coldly replied, that his cousin of York seemed to him too solicitous for the welfare of a nation which hesitated to acknowledge him either as a king or a subject ; a severe retort, evincing very unequivocally, that the ardour of the monarch for the main object of the war had

experienced a sudden and effectual check.<sup>1</sup> The approach, however, of an English army, the scarcity of provisions in an exhausted country, and the late season of the year, were more efficacious than the arguments of the pretended prince; and the Scottish king, after an expedition which had been preceded by many boastful and expensive preparations, retreated without hazarding a battle, and regained his own dominions. Here, in the society of his fair mistress, the Lady Drummond, and surrounded by the flatterers and favourites who thronged his gay and dissipated court, he soon forgot his ambitious designs, and appeared disposed to abandon, for the present, all idea of supporting the pretensions of Warbeck to the throne of England.

But the flame of war, once kindled between the two countries, was not so easily extinguished. The borderers on either side had tasted the sweets of plunder, and the excitation of mutual hostility. An inroad by the Homes, which took place even in the heart of winter, again carried havock into England; and Henry, whose successes against his domestic enemies had now seated him firmly upon the throne, commanded Lord Dacre, his warden of the west marches, to assemble the whole power of these districts, and to retaliate by an invasion into Scotland. The sagacious monarch, however, soon discovered, by those methods of obtaining secret information of which he so constantly availed himself, that James's passion for military renown, and his solicitude in the cause, had greatly diminished; and although hostilities recommenced in the summer, and a conflict took place at Dunse, the war evidently languished. The English monarch

<sup>1</sup> Carte, *Hist. of England*, vol. ii. pp. 848, 849.

began to renew his negotiations for peace; and his proposals were repeated for a marriage between the young King of Scots and his daughter the Princess Margaret.

James, however, although disposed to listen to these overtures, was too generous to entertain for a moment Henry's proposal, that Perkin should be abandoned and delivered into his hands. Yet the expenses incurred by his stay in Scotland, where he was maintained with a state and dignity in every way befitting his alleged rank, were necessarily great.<sup>1</sup> His servants and attendants, and those of his wife, the Lady Catherine Gordon, who took the title of Duchess of York, were all supported by the king; and the limited exchequer of the country could ill bear these heavy drains, in addition to the disbursement of a monarch whose habits were unusually profuse, and who was frequently obliged to coin his personal ornaments, that he might procure money for the demands of pleasure, or the more serious urgencies of the state.<sup>2</sup> In such circumstances, it seemed to the king the best policy to continue the demonstrations of war for some time, without any intention of pushing it to extremities, whilst, under cover of these hostilities, Warbeck should be suffered quietly to leave Scotland. James accordingly again advanced into England, accompanied by

<sup>1</sup> Treasurer's Books, May 10, 1497, "Item, Giffin to Rolland Robysonn for his Maister (Zorkes) months pensionne, 1'xii lb." — York here means Perkin Warbeck.

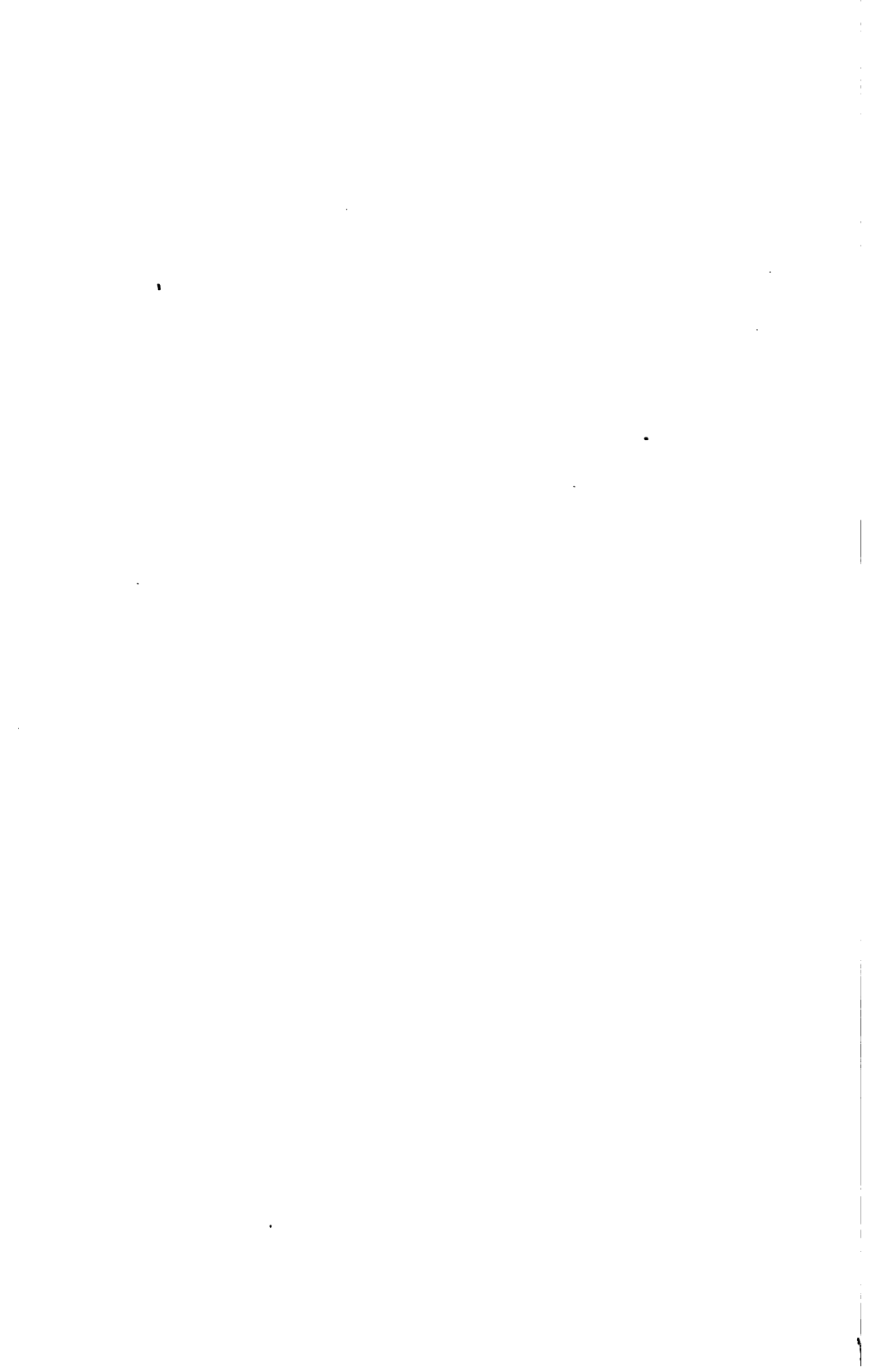
<sup>2</sup> Treasurer's Books, July 27, 1497. "Item, ressavit of Sir Tho Tod for iii pund wecht, foure unce and three quarters of an unce of gold in xxxvi linkis of the great chain, coined by the king's command, iiiixxxxii unicorns iii<sup>l</sup>ixix lbs. xvi shillings." Ibid. Feb. 20, 1496. Again, in the Treasurer's Books, Aug. 4, 1497, we find eighteen links struck off the great chain, weighing thirty-five ounces, coined into two hundred unicorns and a half. Sir Thomas Tod was rather a dangerous person to be placed in an office of such trust. *Supra*, p. 459.

a considerable train of artillery, in which that large piece of ordnance, still preserved in the castle of Edinburgh, and known by the familiar name of Mons Meg, made a conspicuous appearance.<sup>1</sup> Meanwhile, during his absence with the army, preparations were secretly made for the embarkation of Warbeck. A ship, commanded by Robert Barton, a name destined to become afterwards illustrious in the naval history of the country, was ordered to be got ready at Ayr, and thither this mysterious and unfortunate adventurer repaired. He was accompanied by his wife, who continued his faithful companion amid every future reverse of fortune, and attended by a body of thirty horse.<sup>2</sup> In this last scene of his connexion with Scotland, nothing occurred which evinced upon the part of James any change of opinion regarding the reality of his rank and pretensions. He and his beautiful consort preserved their titles as Duke and Duchess of York. The vessel which carried them to the continent was equipped at great expense, commanded by one of the most skilful seamen in the kingdom; and even the minutest circumstances which could affect their accommodation and comfort were not forgotten by the watchful and generous anxiety of the monarch, who had been their protector till the cause seemed hopeless. At last, all being in readiness, the ship weighed anchor on the 6th of July, 1497, and Warbeck and his fortunes bade adieu to Scotland for ever.<sup>3</sup>

<sup>1</sup> Illustrations, letter U.

<sup>2</sup> Treasurer's Books, July 5, 1497.

<sup>3</sup> Ibid. July 6, 1497. Illustrations, letter X. Note on Perkin Warbeck.



## NOTES AND ILLUSTRATIONS.





## NOTES AND ILLUSTRATIONS.

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LETTER A, page 30.

### *Site of the Battle of Harlaw.*

IN the manuscript geographical description of Scotland, collected by Macfarlane, and preserved in the Advocates' Library, vol. i. p. 7, there is the following minute description of the site of this battle :— "Through this parish (the chapel of Garioch, called formerly, Capella Beate Mariæ Virginie de Garryoch, Chart. Aberdon. p. 31) runs the king's highway from Aberdeen to Inverness, and from Aberdeen to the high country. A large mile to the east of the church lies the field of an ancient battle, called the battle of Harlaw, from a country town of that name hard by. This town, and the field of battle, which lies along the king's highway, upon a moor, extending a short mile from SE. to NW, stands on the north-east side of the water of Urie, and a small distance therefrom. To the west of the field of battle, about half a mile, is a farmer's house, called Legget's Den, hard by in which is a tomb, built in the form of a malt steep, of four large stones, covered with a broad stone above, where, as the country people generally report, Donald of the Isles lies buried, being slain in the battle, and therefore they call it commonly Donald's tomb." So far the MS. It is certain, however, that the Lord of the Isles was not slain. This may probably be the tomb of the chief of Maclean, or of Macintosh, both of whom fell in the battle. In the genealogical collections of the same industrious antiquary, (MS. Advocates' Library, Jac. V. 4, 16, vol. i. p. 180,) we find a manuscript account of the family of Maclean, which informs us that Lauchlan Lubanich had, by M'Donald's daughter, a son, called Eachin Rusidh ni Cath, or Hector Rufus Bellicosus. He commanded as lieutenant-general under the Earl of Ross at the battle of Harlaw in 1411, where he and Irving of Drum, seeking out one another by their armorial bearings on their

shields, met and killed each other. He was married to a daughter of the Earl of Douglas.

Sir Walter Ogilvy, on 28th January, 1426, founded a chaplainry in the parish church of St Mary of Uchterhouse, in which perpetual prayers were to be offered up for the salvation of King James and his Queen Joanna; and for the souls of all who died in the battle of Harlaw.—Diplom. Regior. Indices, vol. i. p. 97.

LETTER B, page 33.

The Retour of Andrew de Tullidiff, mentioned in the text, will be found in the MS. Cartulary of Aberdeen, preserved in the Advocates' Library, folio 121. It is as follows:—

“ Inquisitio super tercia parte  
Ledintusche et Rothmais.

Hæc inquisitio facta fuit apud rane coram Willmo de Cadyhow Ballivo Reverendi in Christo patris, et Dni Gilberti Dei gracia Episcopi Aberdonen: die martis, nono die mensis Maii anno 1413, per probos et fideles homines subscriptos, viz. Robertum de Buthergask, Johannem Rous, Johannem Bisete, Robertum Malisei, Hugonem de Kyncavil, Duncanum de Curquhruny, Johannem Morison, Johm Yhung, Adam Johannis, Johannem Thomson, Johannem de Lovask, Johannem Duncanson, Walterum Ranyson, et Johannem Thomson de Petblayne. Qui magno sacramento jurati dicunt, quod quondam Willmus de Tulidef latoris præsentium obiit vestitus et saysitus ut de feodo ad pacem et fidem Dni nostri regis, de tercia parte terrarum de Ledyntusche, et de Rothmais cum pertinenciis jacentium in schyra de Rane infra Vicecom. de Aberden. Et quod dictus Andreas est legitimus et propinquior heres ejusdem quondam Willmi patris sui de dicta tercia parte dictarum terrarum cum pertinenciis, et licet minoris ætatis existit tamen secundum quoddam statutum consilii generalis ex privilegio concessio hæredibus occisorum in bello de Harelaw, pro defensione patriæ, est hac vice legittime ætatis, et quod dicta tercia dictarum terrarum cum pertinenciis nunc valet per annum tres libras, et viginti denarios, et valuit tempore pacis quatuor libras,” &c. &c. The remainder of the deed is uninteresting.

LETTER C, page 45.

*Battles of Bauge and Verneuil.*

The exploits of the Scottish forces in France do not properly belong to the History of Scotland; and any reader who wishes for authentic

information upon the subject will find it in *Fordun a Goodal*, vol. ii. pp. 461, 463, and *Monstrelet's Chronicle*, by *Johnes*, vols. v. and vi. There were three important battles in which the Scots auxiliaries were engaged: First, that of *Baugè*, in *Anjou*, fought on the 22d March, 1421, in which they gained a signal victory over the Duke of Clarence, who was slain, along with the "flower of his chivalry and esquiredom," to use the words of *Monstrelet*: Secondly, that of *Crevant*, which was disastrous to the Scots: And lastly, the great battle of *Verneuil*, fought in 1424, in which John duke of Bedford commanded the English, and completely defeated the united army of the French and Scots.

There is a singular coincidence between the battle of *Baugè*, and the battle of *Stirling*, in which Wallace defeated Surrey and Cressingham. The two armies, one commanded by the Duke of Clarence, and the other by the Earl of Buchan, were separated from each other by a rapid river, over which was thrown a narrow bridge. Buchan had despatched a party, under Sir Robert Stewart of Darnley and the *Sieur de Fontaine*, to reconnoitre; and they coming suddenly upon the English, were driven back in time to warn the Scottish general of the approach of Clarence. Fortunately, he had a short interval allowed him to draw up his army, whilst Sir Robert Stewart of Railston, and Sir Hugh Kennedy, with a small advanced body, defended the passage of the bridge, over which the Duke of Clarence, with his best officers, were eagerly forcing their way, having left the bulk of the English army to follow as they best could. The consequences were almost precisely the same as those which took place at *Stirling*. Clarence, distinguished by his coronet of jewels over his helmet, and splendid armour, was first fiercely attacked by John Carmichael, who shivered his lance on him: then wounded in the face by Sir William de Swynton; and lastly, felled to the earth and slain by the mace of the Earl of Buchan.<sup>1</sup> His bravest knights and men-at-arms fell along with him; and the rest of the army, enraged at the disaster, and crowding over the bridge to avenge it, being thrown into complete disorder, as they arrived in detail, were slain or taken by the Scots. *Monstrelet*<sup>2</sup> affirms, that two or three thousand English were slain. Bower limits the number who fell to sixteen hundred and seventeen, and asserts that the Scots only lost twelve, and the French two men.<sup>3</sup> It is well known that for this service Buchan was

<sup>1</sup> *Fordun a Goodal*, vol. ii. p. 461. This John, or, as he is called by Douglas, Sir John Carmichael, was ancestor to the noble family of Hyndford, now extinct. The family crest is still a shivered spear. — Douglas, vol. i. p. 752.

<sup>2</sup> *Monstrelet*, by *Johnes*, vol. v. p. 263. <sup>3</sup> *Fordun a Goodal*, vol. ii. p. 461.

rewarded with the baton of Constable of France. After the battle, Sir Robert Stewart of Darnley bought Clarence's jewelled coronet from a Scottish soldier for 1000 angels.<sup>1</sup>

Having been thus successful at Bauge, the conduct of the Scots at Crevant, considering the circumstances under which the battle was fought, is inexplicable. On consulting Monstrelet,<sup>2</sup> it will be found that the river Yonne separated the two armies, over which there was a bridge as at Bauge. The Scots occupied a hill near the river, with the town of Crevant, to which they had laid seige, in their rear. Over this bridge they suffered the whole English army to defile, to arrange their squares, and to advance in firm order against them, when they might have pre-occupied the tête-de-pont, and attacked the enemy whilst they were in the act of passing the river. Either the circumstances of the battle have come down to us in a garbled and imperfect state, or it is the fate of the Scots to shut their eyes to the simplest lessons in military tactics, lessons, too, which, it may be added, have often been written against them with sharp pens and bloody ink. The consequences at Crevant were fatal. They were attacked in the front by the Earls of Salisbury and Suffolk, and in the rear by a sortie from the town of Crevant, and completely defeated.<sup>3</sup>

The battle of Verneuil was still more disastrous, and so decisive, that it appears to have completely cooled all future desires upon the part of the Scots to send auxiliaries to France. The account given by Bower<sup>4</sup> is, at first sight, confused and contradictory; but if the reader will compare it with Monstrelet, vol. vi. pp. 90, 94, it becomes clearer. It seems to have been lost by the Scots, in consequence of the unfortunate dissension between them and their allies the French, which prevented one part of the army from co-operating with the other; whilst, on the side of the English, the steadiness of the archers, each of whom had a sharp double-pointed stake planted before him, defeated the charge of the Lombard cross-bowmen, although they were admirably armed and mounted.<sup>5</sup>

#### LETTER D, page 50.

In this treaty for the relief of James the First, which is to be found in Rymer's *Fœdera*, vol. x. p. 307, the list which contains the names

<sup>1</sup> Gough's *Sepulchral Monuments*, vol. ii. p. 58.

<sup>2</sup> Vol. vi. p. 48.

<sup>3</sup> Monstrelet, vol. vi. pp. 48, 49.

<sup>4</sup> Fordun's *Goodal*, vol. ii. p. 463.

<sup>5</sup> *Ibid.*

of the hostages is not a little curious, as there is added to the name of each baron a statement of his yearly income, presenting us with an interesting picture of the comparative wealth of the members of the Scottish aristocracy in 1423. The list is as follows :—

Thomas Comes Moraviæ, reddituatus et possessionatus ad M. marc.

Alexander Comes Crauffurdæ, vel filius ejus et hæredes ad M. marc.

Willielmus Comes Angusiæ, ad vi C marc.

Maletius Comes de Stratherne, ad v C marc.

Georgius Comes Marchiarum, vel filius ejus primogenitus ad viii C marc.

David Filius Primogenitus Comitit Atholiæ, vel filius ejus et hæres ad xii C marc.

Willielmus Constabularius Scotiæ, vel filius et hæres ad viii C marc.

Dominus Robertus de Erskyn, ad M. marc.

Robertus Marescallus Scotiæ, vel filius ejus et hæres ad viii C marc.

Walterus Dominus de Drybtoun (Drylton) vel filius ejus et hæres ad viii C marc.

Johannes Dominus de Cetoun, miles vel filius ejus et hæres ad vi C marc.

Johannis de Montgomery, miles de Ardrossane, vel filius ejus et hæres ad vii C marc.

Alexander Dominus de Gordonne, ad iv C marc.

Malcolmus Dominus de Bygare, ad vi C marc.

Thomas Dominus de Yestyr, ad vi C marc.

Johannis Kennady de Carryk, ad v C marc.

Thomas Boyde de Kylmernok, vel filius ejus et hæres ad v C marc.

Patricius de Dounbarre Dominus de Canmok, vel filius ejus et hæres ad v C marc.

Jacobus Dominus de Dalketh, vel filius ejus primogenitus ad xv C marc.

Duncanus Dominus de Argill, ad xv C marc.<sup>1</sup>

Johannes Lyon de Glammis, ad vi C marc.

#### LETTER E, page 74.

It is not easy to account for the high character of Albany, which is given both by Winton and by Bower. It is certain, because it is proved by his actions, which are established upon authentic evidence,

<sup>1</sup> It may be conjectured, that there is some error both here and in the preceding name.

that he was a crafty and selfish usurper, whose hands were stained with the blood of the heir to the crown—yet he is spoken of by both these writers, not only without severity, but with enthusiastic praise. Indeed, Winton's character of him might serve for the beau ideal of a perfect king.—Vol. ii. p. 418.

Bower, though shorter, is equally complimentary, and throws in some touches which give individuality to the picture. On one occasion, in the midst of the tumult of war, and the havoc of a border raid, we find the governor recognized by his soldiers as a collector of the relics of earlier ages, (Fordun a Goodal, vol. ii. p. 409,) and at another time a still finer picture is presented of Albany sitting on the ramparts of the castle of Edinburgh, and discoursing to his courtiers, in a clear moonlight night, on the system of the universe, and the causes of eclipses. I am sorry I have neglected to mark the page where this occurs, and cannot find it at the moment.

#### LETTER F, page 95.

A curious instrument, which throws some light on the state of the Highlands in 1420, and gives an example of the mixture of Celtic and Norman names, is to be found in a MS. in the Adv. Lib., Jac. V. 4. 22, entitled *Diplomatium Collectio*. It is as follows;—

"John Touch, be the grace of God Bishop of Rosse; Dame Mary of ye Ile, Lady of the Yles and of Rosse; Hucheon Fraser, Lord of the Lovat; John Macloyde, Lerde of Glenelg; Angus Guthrason of the Ylis; Schyr William Farquhar, Dean of Rosse; Walter of Douglas, Scheraff of Elgin; Walter of Innes, Lord of that ilke; John Syncler, Lord of Deskford; John ye Ross, Lord of Kilravache; John M'Ean of Arnamurchan, with mony othyr,—Til al and syndry to the knowledge of the quhilkis thir present lettres sal to cum, gretyng in God ay listand. Syn it is needeful and meritabil to ber lele witness to suthfastness to your Universitie, we mak knawyn throche thir present lettres, that on Friday the sextent day of the moneth of August, ye yher of our Lord a thousand four hundreth and twenty yher, into the kyrke yharde of the Chanonry of Rossmarkyng, compeirit William the Grahame, the sone and the hayr umquhil of Henry the Grame. In presence of us, befor a nobil Lorde and a mychty, Thomas Earl of Moreff, his ovyr lord of his lands of the Barony of Kerdale, resignande of his awin free will, purly and symply, be fast and baston, intill the hands of the sayde Lorde the Erle," &c. An entail of the lands follows, which is uninteresting.

At page 263 of the same volume, we find a charter granted by

David II. in the 30th year of his reign, entitled, “Carta remissionis Thomæ Man et multis aliis, actionis et sectæ regis tum pro homicidiis, combustionibus, furtis, rapinis,” &c. in which the preponderance of Celtic names is very striking. The names are as follows:—“Thomas Man, Bridan filii Fergusi, Martino More, Maldoveny Beg Maldowny Macmartican, Cristino filio Duncani, Bridano Breath, Alex<sup>m</sup> Macronlet Adæ Molendinario, Martini M’Coly, Fergusio Clerico Donymore, Michaeli Merlsway, Bridano M’Dor, Maldowny M’Robi, Colano M’Gilbride, Maldowny Macenewerker, et Adæ Fovetour latoribus presencium,” &c. Apud Perth, primo die Novemb. regni xxx. quinto.

## LETTER G, page 149.

I am indebted for the communication of the following charter to the Rev. Mr Macgregor Stirling, a gentleman intimately acquainted with the recondite sources of Scottish history:—

Apud Edinburgh, Aug. 15, 1451, a. r. 15.

Rex [Jacobus II.] confirmavit Roberto Duncansoun de Strowane, et heredibus suis, terras de Strowane,—terras dimidicatis de Rannach,—terras de Glennerach,—terras de duobus Bohaspikis,—terras de Grannecht, cum lacu et insula lacus ejusdem,—terras de Carric,—terras de Innercadoune,—de Farnay,—de Disert, Faskel, de Kylkeve,—de Balnegarde,—et Balnefarc,—et terras de Glengary, cum foresta ejusdem, in comitatu Atholie, vic. de Perth, quas dictus Robertus, in castrum [*sic*] Regium de Blar in Atholia personaliter resignavit, et quas rex in unam integram Baroniam de Strowane univit et incorporavit (pro zelo, fauore, amore, quas rex gessit erga dictum Robertum pro captione nequissimi proditoris quondam Roberti de Grahame, et pro ipsius Roberti Duncansoune gratuitis diligenciis et laboribus, circa captionem ejusdem sevissimi proditoris, diligentissime et cordialissime factis.)—Mag. Sig. iv. 227.

## LETTER H, page 186.

*Boece and the Story of the Bull's Head.*

The story of the bull's head being presented to the Douglasses at the banquet, as a signal for their death, appears, as far as I have discovered, for the first time in Hector Boece, p. 363, —“Gubernator, assentiente Cancellario, \* \* amotis epulis, *taurinum caput apponi jubet*. Id enim est apud nostrates supplicii capitalis symbolum.”



Although this extraordinary circumstance is not found in the Auchinleck Chronicle, an almost contemporary authority, yet, had I found evidence of the truth of Boece's assertion, that the production of a bull's head was amongst our countrymen a well-known signal for the infliction of a capital punishment, I should have hesitated before rejecting the appearance of this horrid emblem immediately previous to the seizure of the Douglasses. The truth is, however, that the production of such a dish as a bull's head, or, according to the version of the tale given by a great writer,<sup>1</sup> a *black* bull's head, as an emblem of death, is not to be found in any former period of our history, or in any Celtic tradition of which I am aware. For this last assertion, the non-existence of any Celtic or Highland tradition of date prior to Boece's history, where this emblem is said to have been used, I rest not on my own judgment, for I regret much I am little read in Gaelic antiquities, but on the information of my friends, Mr Gregory, secretary to the society of Antiquaries, and the Reverend Mr Macgregor Stirling, who are, perhaps, amongst the ablest of our Celtic antiquaries.<sup>2</sup> After the time of Boece, whose work was extremely popular in Scotland, it is by no means improbable that the tale of the bull's head should have been transplanted into Highland traditions. Accordingly I understand, from Mr Stirling, that Sir Duncan Campbell, the seventh laird of Glenurcha, on an occasion somewhat similar to the murder of the Douglasses, is said to have produced a bull's head at table, which caused his victims to start from the board and escape. Sir Duncan lived in the interval between 1560 and 1631.

LETTER I, page 187.

*George earl of Angus.*

It is to be regretted that Godscroft, in his History of the House of Douglas and Angus, vol. i. p. 287, instead of his own interminable

<sup>1</sup> Sir Walter Scott's History of Scotland, vol. i. p. 281.

<sup>2</sup> Mr Gregory, I am happy to see, is about to publish "A History of the Western Highlands and the Hebrides during the Sixteenth and Seventeenth Centuries." Hitherto, all that we know of the history of this most interesting portion of the kingdom, is perplexing, vague, and traditional. But, from the mass of authentic materials which the industry of the secretary of the antiquaries has collected, a valuable work may at last be expected.

The able work alluded to in the above note appeared in 1836. Its author, in whom I lost a friend always ready to communicate information out of his abundant stores, died in the course of the same year. He was the son of the celebrated Dr Gregory of Edinburgh—the direct descendant of a family long distinguished for hereditary talent of the highest kind.

remarks and digressions, had not given us the whole of the ancient ballad, in which some indignant minstrel expressed his abhorrence of the deed. One stanza only is preserved :—

Edinburgh castle, town, and tower,  
God grant thou sink for sin,  
And that even for the black dinner  
Earl Douglas gat therein.

The late Lord Hailes, in his *Remarks on the History of Scotland*, chap. vii. satisfactorily demonstrated “that Archibald, third Earl of Douglas, could not, according to the common opinion, have been a brother of James, second Earl of Douglas, slain at Otterburn, and that he did not succeed to the earldom in right of blood.” He added—“By what means, or under what pretext, George earl of Angus, the undoubted younger brother of Earl James, was excluded from the succession, it is impossible at this distance of time to determine. During the course of almost a century the descendants of Archibald, third Earl of Douglas, continued too powerful for the peace of the crown, or for their own safety. At length, in 1488, the male line ended by the death of James, ninth Earl of Douglas, and the honours of Douglas returned into the right channel of Angus.” A learned and, as it appears, conclusive solution of this difficulty, appeared in a paper in the *Scots Magazine* for September, 1814, where it is shown that George earl of Angus, considered by Lord Hailes, by Douglas, and all our genealogical writers, as the legitimate brother of James earl of Douglas, was an illegitimate son of William earl of Douglas, and as such had no title to succeed to the earldom. It is to be wished that the same acute antiquary, who has successfully solved this and many other genealogical difficulties, would bring his researches to bear upon some of those obscurer points in the history of the country, which are intimately connected with genealogy, and would derive from it important illustration. The hypothesis, for instance, upon which I have ventured as to the causes which may have led to the trial and execution of William, sixth Earl of Douglas, and his brother David, in 1440, is an example of one of the subjects upon which an intimate knowledge of genealogy might enable its possessor to do much for history.

LETTER K, page 187.

*Execution of the Douglasses.*

The Douglasses, along with their unfortunate friend and adherent, Malcolm Fleming, were beheaded, according to Gray's MS. “in  
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vigilio Sancte Katerine Virginis, viz. xxiii. die mensis Novembris anno Domini I<sup>m</sup> iiii. xl.” The date in the Extracta ex Veteribus Chronicis Scotiæ agrees with this; but it appears, from the following curious instrument, that Malcolm Fleming was executed, not at the same time as the Douglasses, but on the fourth day thereafter:—In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnatione Domini, secundum computacionem Regni Scocie M<sup>mo</sup> cccc<sup>mo</sup> xl<sup>mo</sup> mensis Januarii die vii. Indictione quarta Pontificatus Sanctissime in Xpo patris et Domini nostri, Domini Eugenii divina providentia Papæ quarti Anno x<sup>mo</sup>. In mei Notarii publici et testium subscriptorum presencia personaliter constitut. Nobiles viri Walterus de Buchqwhanane et Thomas de Murhede scutiferi, ac procuratores nobilis viri Roberti Flemyng scutiferi, filii et heredis Malcolmi Flemyng quondam Domini de Bigar, habentes ad infrascripta potestaten et sufficiens mandatum, ut meipso notario constabat per legitima documenta, accedentes ad Crucem fori Burgi de Lithgw, coram Willmo de Howstoun deputato Vicecomitis ejusdem, procuratorio nomine dicti Roberti, falsaverunt quoddam judicium datum seu prelatum super Malcolmum Flemyng, patrem dicti Roberti, super montem Castri de Edynburch, Secundum modum et formam, et propter rationem inferius scriptum, quarum tenor sequitur in vulgar.

We, Waltyr of Buchqwanane and Thomas of Murhede, speciale procurators and actournais, conjunctly and severally, to Robert Flemyng, son and ayr to Malcolm Flemyng, sumtyme Lord of Bigar, sayis to thee, John of Blayr Dempstar, that the Doyme gyffin out of thy mouth on Malcolm Flemyng in a said Courte haldyn befor our soverane Lord y<sup>e</sup> King on the Castle-hill of Edynburch, on Mononday the acht and twenty day of the moneth of November the yere of our Lord M<sup>mo</sup> cccc<sup>mo</sup> and fourty zenis, sayande “that he had forfat land, lyff, and gud as chete to the King, and that yow gave for doyme;” that doyme foresaid giffyn out of thy mouth is evyl, fals, and rotten in itself; and here We, the foresaid Walter and Thomas, procurators to the said Robert for hym, and in his name, fals it, adnull it, and again cancel it in thy hand William of Howston Deput to the Sherray of Lithgow, and tharto a borch in thy hand; and for this cause the Courte was unlachfull, the doyme unlachfull, unorderly gyffin, and agane our statut; for had he been a common thef takyn redhand, and haldyn twa Sonya, he sulde haff had his law dayis he askande them, as he did before our Soverane Lord the King, and be this resounne the doyme is evyll giffyn and weil agane said; and her we, the foresaid Walter and Thomas, procurators to the foresaid Robert, protests for ma resounys to be giffyn up be the said Robert, or be his procurators qwhar he acht, in lawfull tyme.

Dictum judicium sic ut premittitur falsatum et adnullatum dicti procuratoris, nomine dicti Roberti, invenerunt plegium ad prosequendum dictas adnullaciones et falsaciones predicti judicii, in manu Roberti Nicholson serjandi domini nostri regis qui dictum plegium recepit. Postmodo vero dicti procuratores offerebant falsacionem adnullacionem dicte judicii sub sigillo prefati Roberti Flemyng dicto Willelmo de Howstoun deputato dicti vicecomitis, qui recipere recusavit, dicendo quod receptio Ejusdem pertinebat ad Justiciarium, et non ad vicecomitum, et tunc ipsi procuratores continuo publice protestati sunt, quod dicta recusacio nullum prejudicium dicto Roberto Flemyng generaret in futurum. Super quibus omnibus et singulis prefati Walterus et Thomas procuratorio nomine ut supra a me notario publico infrascript sibi fieri pecierunt publicum instrumentum, seu publica instrumenta :

Acta fuerunt haec apud crucem ville de Lithgw hora qu decima ante meridiem Anno, die, mense, Indicione et Pontificatu quibus supra, presentibus ibidem providis viris, Willelmo de Houston Deputato ut supra, Domino Willmo llane, Domino Johanne person, Presbyteris, Jacobo Forrest et Jacobo Fowlys publico notario cum multis aliis testibus, ad premissa vocatis specialiter et rogatis.

This instrument, which exhibits in a striking light the formal solemnity of feudal manners, is printed from a copy communicated to me by my friend Thomas Thomson, Esq., Depute-clerk Register, and taken from the original in the archives of the Earldom of Wigtown, preserved in the charter-chest of Admiral Fleming at Cumbernauld.

#### LETTER L, page 207.

#### *Early Connexion between Scotland and the Hanse Towns.*

The intercourse of Scotland with the Hanse towns and the commercial states of Flanders, took place, as has been shown in another part of this history, at a very early period. When that portion of the work was written I was not aware of the existence of an interesting document on the subject of early Scottish commerce, which had been included by Sartorius in his work on the origin of the league of the Hanse towns; for the publication of which, after the death of the author, the world is indebted to the learned Dr Lappenberg of Hamburg; and to which my attention was first directed by Mr J. D. Carrick's life of Sir William Wallace, published in Constable's Miscellany. The document is a letter from Wallace and Sir Andrew Moray, dated at Badsington in Scotland, evidently a misreading for Haddington, on the 11th of October, 1297. It is as follows:—

"Andreas de Moraula et Willelmus Wallensis, duces exercitus regni Scotie et communitas eiusdem Regni, prouidis viris et discretis ac amicis dilectis, maioribus et communibus de Lubek et de Hamburg salutem et sincere dilectionis semper incrementum. Nobis per fide dignos mercatores dicti regni Scotie est intimatum, quod vos vestri gratia, in omnibus causis et negociis, nos et ipsos mercatores tangentibus consulentes, auxiliantes et favorabiles estis, licet, nostra non precesserent merita, et ideo magis vobis tenemur ad grates cum digna remuneratione, ad que vobis volumus obligari; rogantes vos, quatinus preconizari facere velitis inter mercatores vestros, quod securum accessum ad omnes portus regni Scotie possint habere cum mercandiis suis, quia regnum Scotie, Deo regratiato, ab Anglorum potestate bello est recuperatum. Valete. Datum apud Badsingtonam in Scotia, undecimo die Octobris, Anno gracie, millesimo ducentesimo nonagesimo septimo. Rogamus vos insuper vt negocia Johannis Burnet, et Johannis Frere, mercatorum nostrorum promoueri dignemini, prout nos negocia mercatorum vestrorum promouere velitis. Valete dat: ut prius."

The original letter, of which a transcript was communicated by Dr Lappenberg, the editor of Sartorius's work, to Mr Carrick, through Mr Repp, one of the assistant librarians of the Faculty of Advocates, is still preserved among the archives of the Hanseatic city of Lubeck. "It appears," says Dr L. "to be the oldest document existing relative to the intercourse of Hamburg and Lubeck, or other Hanseatic cities, with Scotland." It is much to be wished that a correct fac-simile of it should be procured. The battle of Stirling, in which Wallace defeated Cressingham, was fought on the 3d of September, 1297. A great dearth and famine then raged in Scotland, and Wallace led his army into England.<sup>1</sup> The letter to the cities of Lubeck and Hamburg was evidently written on the march into Northumberland, which corroborates the reading of Haddington, a town lying directly in the route of the army, for Badsington, a name unknown to Scottish topography. In Langtoft's Chronicle, a high authority, we meet with a corroboration of Wallace's mission to Flanders, immediately after the battle of Stirling:—

After this bataille, the Scottis sent over the se  
A boye of ther rascalle, quaynt and dèguise.<sup>2</sup>  
To Flandres bad him fare, through burgh and cite,  
Of Edward where he ware to bryng them certeynte.<sup>3</sup>

It is probable that this boy or page, who was sent to spy out the motions of Edward, was the bearer of the letter to the cities of Lubeck

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 171, 172.

<sup>2</sup> Disguised.

<sup>3</sup> Langtoft, vol. ii. p. 298.

and Hamburg. We possess now four original deeds granted by Wallace: The above letter to Lubeck and Hamburg; the protection to the monks of Hexham, dated the 8th of November, 1297; the passport to the same monks; and the famous grant, published by Anderson in his *Diplomata*, plate xliv. to Alexander Skirmiahur, of the office of Constable of the castle of Dundee, for his faithful service in bearing the royal standard in the army of Scotland. It is curious to mark the progressive style used by Wallace in these deeds. In the first, the letter to the Hanse towns, dated 11th October, 1297, it is simply, commander of the army of Scotland, "*Dux exercitus regni Scotiæ*." In the second, dated 7th November, 1297, he is "Leader of the army of Scotland, in the name of an illustrious prince, Lord John, by the grace of God, King of Scotland, by the consent of the community of the same kingdom."<sup>1</sup> In the third, which is dated at Torphichen, the 29th March, 1298, we no longer find Andrew Moray associated in the command of the army with Wallace; his style is simply William Wallace, Guardian of the kingdom of Scotland, and leader of the armies of the same, in the name of an excellent prince, Lord John, by the grace of God, the illustrious king of Scotland.

With the exception of this valuable document, I am not aware that there exist any additional letters or charters relative to the early commerce between Scotland and the Hanse towns, till we arrive at the first quarter of the fifteenth century, during which repeated complaints were made on the part of the associated cities, that the Scots had plundered their merchantmen. In consequence of this, they resorted to reprisals; the members of the league were prohibited from all intercourse with the Scots; and every possible method was adopted to persecute and oppress the merchants of this country, wherever the Hanseatic factories were established; for example, in Norway, and in Flanders, to which the Scots resorted. It is ordered by a Hanse statute of the year 1412, that no member of the league should purchase of Scotsmen, either at Bruges or any other place, cloth either dressed or undressed, or manufactured from Scottish wool; whilst the merchants of the Hanse communities, who did not belong to the league, were forbid to sell such wares in the markets of the leagued towns. It would appear that these quarrels continued for upwards of ten years, as in 1418 the Compter at Bruges was enjoined, under pain of confiscation, to renounce commercial intercourse with the Scots, till all differences were adjusted; from which we may fairly conclude, that the Bruges market was the principal emporium of trade on both sides. A few years after this, in 1426, the prohibition of all trade

<sup>1</sup> Knighton, p. 2521. Apud Twysden, ex *Scriptores*, vol. ii.

with the Scots was renewed, unless they consented to an indemnification for damages already sustained. At a still later period, in 1445, it appears that the Bremeners had captured, amongst other vessels, a ship coming from Edinburgh, laden with a cargo of cloth and leather; and in the course of the same year, a commission was issued by James the Second to certain Scottish delegates, empowering them to enter into negotiations with the towns of Bremen, Lubeck, Hamburg, Wismar, Stralsund, and Rostock, regarding the termination of all such disputes. The original commission, which has never been printed in any English work, is preserved in the archives of the city of Bremen, and is to be found in a rare German pamphlet, or Thesis, which was discovered and communicated by Sir William Hamilton to Mr Thomson, to whom I am indebted for the use of it. It is as follows:—

“*Jacobus Dei gratia Rex Scotorum. Universis ad quorum noticiam presentes literę pervenerint, salutem. Sciatis quod nos ex matura deliberatione nostri parliamenti, de fide et legalitate delectorum, et fidelium nostrorum, Thome de Preston, scutiferi et familiaris nostri Johannis Jeffrason et Stephani Huntare, cumburgensium burgi nostri de Edinburgh, ac Andree Ireland, burgensis burgi nostri de Perth, plurimum confidentes, ipsos, Thomam, Johannem, Stephanum, ac Andream, nostros commissarios, deputatos, et nuncios speciales fecimus, constituimus, et ordinavimus. Dantes et concedentes eisdem Thome, Johanni, Stephano, et Andree, et eorum, duobus, conjunctim, nostram plenariam potestatem et mandatum speciale ad comparandum coram nebulibus et circumspecte prudentie viris burgimastris, Scabinis et consulibus civitatum, villarum, et oppidorum de Lubeo, Bremen, Hamburg, Wismere, Trailsond, et Rostock, seu ipsorum et aliorum, quorum interest commissariis et deputatis sufficientem potestatem habentibus, ad communicandum, tractandum, concordandum, componendum, appunctuandum, et finaliter concludendum, de et super spoliatione, bonorum restitutione, lesione et interfectione regni nostri Mercatorum per Bremenses anno revoluto in mare factorum, et perpetratorum, ac literas quittance pro nobis et dictis nostris mercatoribus dandi et concedendi, ac omnia alia, ac singula faciendi, gerendi et exercendi, que in premissis necessaria fuerint, seu opportuna. Ratum et gratum habentes, pro perpetuo habituri quicquid dicti nostri commissarii vel eorum duo conjunctim in premissis duxerint faciendum. Datum sub magno sigillo nostro apud Edynburgh, decimo quarto die mensis Augusti, anno domini millesimo quadragentesimo quadregesimo quinto, et regni nostri nono.*”

In consequence of this commission, the following treaty, included in the same rare tract, was entered into on the 16th October, 1445. It is drawn up in an ancient dialect of Low German, still spoken in

those parts. For its translation—a work which I believe few scholars in this country could have performed—I am indebted to the kindness and learning of my friend Mr Leith.

LETTER OF THE SCOTTISH AMBASSADORS CONCERNING THE RECONCILIATION OF THE TOWN OF BREMEN WITH THE SUBJECTS OF THE KINGDOM OF SCOTLAND, AND THE TREATING OF THE DAMAGE WHICH THEY HAD OCCASIONED EACH OTHER.

“We, John Jeffreson, Stephen Hunter provost of Edinburgh, and Andrew Ireland bailie of Perth, ambassadors and procurators plenipotentiary of our most gracious beloved master, the most illustrious prince and Lord, James king of Scots, of the noble city of Edinburgh, and others of his towns and subjects, acknowledge and make known openly in this letter, and give all to understand, who shall see it, or hear it read.

“Since those of Bremen, in years but lately past, took on the sea, from the subjects of the afore-mentioned most powerful prince and lord, the King of Scots, our gracious beloved lord, a certain ship, laden with Scottish cloth, and in order that all capture, attack, and damage, which have happened to ships, people, or goods, wherever they have taken place, and that all other damage which has happened to the kingdom of Scotland, and the subjects of the said kingdom, on the part of those of Bremen, or their people, up to the date of this letter, may be removed :

“And also, in order to compensate for, to diminish, and extinguish, any great and remarkable damage which they of Bremen have suffered and received in former years and times, from the subjects of the afore-mentioned lord the king :

“Therefore have we, the above-mentioned John, Stephen, and Andrew, by the grace, full powers, and command of our afore-mentioned gracious and beloved lord the king, and others of his towns and subjects, procurators plenipotentiary, (according to the contents of all their procuratories, together with that of his royal gracious majesty, sealed with all their seals, which we have delivered over to the afore-mentioned people of Bremen, and received answer,) negotiated, effected, and made conditions of a friendly treaty, with the honourable burgermeister and counsellors of Bremen, in all power, and in the manner as hereafter is written.

“Although the afore-mentioned people of Bremen, in strict right, as also on account of the delay which has taken place, and also on account of the great damage which they have suffered in former years from the said kingdom, could not be bound, and were not bound, yet on account of their affection to, and to please the afore-mentioned



our most gracious lord, and his royal grace, and for the sake of peace, and an equitable treaty, the same people of Bremen, to compensate for the expense, wear, and great inconvenience which then was occasioned, have given us, and do presently give a Butse,<sup>1</sup> called the Rose, with anchors, tackling, and ropes, as she came out of the sea, and thereunto forty *measures* of beer; and therewith shall all attack, damage, and hurt, which they of Bremen and their allies have done to the kingdom of Scotland, and the subjects of the said kingdom, up to the date of this letter, whether the damage may have been done to crews, goods, or ships, and wherever the damage may have been received, be declared to be compensated for, acquitted, and completely forgiven.

“And, in like manner also, shall all attack, damage, and hurt, which they of Bremen, in these years, have suffered from the kingdom of Scotland, and the subjects of the said kingdom, and particularly that which happened to one of their *coggen*<sup>2</sup> which was lost in the Firth, and to a *kreyer* lost near Wytkopp, and to a *kreyger* lost near the abbey of Arbroath, and other ships, which damage those of Bremen estimated, and said they had suffered, to the amount of six thousand nobles, the same shall also be held acquitted and compensated for.

“And we, the above-mentioned John, Stephen, and Andrew, procurators plenipotentiary, by power and grace of our gracious lord the king, his town, and subjects, and according to the contents of our procuratories, do acquit, and have acquitted all and each one of the afore-mentioned persons of Bremen, and their allies, by power and might of this letter, of all the afore-mentioned damage and attacks, let it have happened when and where it will, and wherever it may have been received, in all time afore this, and will never revive the same complaints, either in spiritual or secular courts.

“Furthermore is agreed, negotiated, and settled, that if it should be that the subjects and merchants of the above-mentioned kingdom, should ship any of their goods in bottoms belonging to powers hostile to Bremen, and the privateers<sup>3</sup> of Bremen should come up to them on the sea, so shall the above-mentioned Scots and their goods be unmolested, with this difference—if it should be that enemy's goods were in the ship, such goods shall they, on their oaths, deliver over to those of Bremen; and the ship, crew, and freight, shall be held to ransom for a certain sum of gold, as they shall agree with the allies<sup>4</sup>

<sup>1</sup> Butse, a particular kind of ship. Herring busses is a term frequently used in the Acts of Parliament.

<sup>2</sup> Coggen, another kind of ship, of some particular build, used for warlike as well as for mercantile purposes. Kreyer and kreyger can only be explained in the same general way.

<sup>3</sup> Redliggers.

<sup>4</sup> Vrunden.

of those of Bremen, and these shall allow the ship, with the crew and the goods of the Scots, to sail away to their destined market. And farther, shall all the subjects and merchants of the above-mentioned most mighty prince and lord, the King of Scots, our most gracious and beloved master, as also those of Bremen and their merchants, visit, touch at, and make use of the ports and territory of the said kingdom of Scotland, and of the said town and territory of Bremen, with their merchant vessels, *velingen*,<sup>1</sup> lifes, and merchandise, with security, and under good safe-conduct, and *velichkeit*,<sup>2</sup> as they have been used to do in peace and love for long years before.

"For the greater authenticity and truth of this document, have we, John Jeffreson, Stephen Hunter, and Andrew Ireland, ambassadors and procurators plenipotentiary, affixed our true seals to this letter.

"Given and written after the birth of Christ our Lord, fourteen hundred years, and thereafter in the fortieth and fifth, on the day of St Gall, the holy abbot, (d. 16. Oct.)"

LETTER M, page 252.

*James, ninth Earl of Douglas.*

As this authentic and interesting document has never been published, it may properly be included amongst the Notes and Illustrations of this history. It is taken from the manuscript volume preserved in the Library of the Faculty of Advocates at Edinburgh, entitled, Sir Lewis Stewart's Collections, a. 4. 7. p. 19.

Appoyntement betwixt James II. and James Earle Douglas.

Be it kend till all men be thyr present letters, me James, Earle of Douglas, to be halden and obleist, and be thir present letters, and the faith in my body, lelie and truelie binds and obliges me till our soveraine Lord James, be the grace of God, King of Scotland, that I shall fulfill, keep, and observe all and sundrie articles, and condeciones, and poyntis underwritten. That is to say—in the first, I bind and oblige me till our said soverayne lord, that I shall never follow nor persew, directly nor indirectly, be law, or any other maner of way, any entrie in the lands of the earledome of Wigtone, with the pairtinentes or any part of them, untill the tyme that I may obtaine speciall favour and leicence of oure soverayne Lady Mary, be the grace of God, Queen of Scotland, be letter and seal to be given and maid be hir to me

<sup>1</sup> Unknown.

<sup>2</sup> Unknown.

thairupon. And in the samen wise, I bind and obliis me to our soverayne lord, that I shall never persew nor follow, directly nor indirectlie, the lands of the lordships of Stewartoun, with the pertinentis, or any pairt of them, the whilk wer whilum the Dutches of Turinies, until the time that I may obtaine our soverayne lord's special licence, grace, and favour of entrie in the said lands ; and alswa, I bind and oblidge me till our soverayne lord, to remitt and forgive, and be thir present letters fullie remitts and forgives, for evermair, for me, my brother, and the Lord Hamiltounne, and our (enverdance,) all maner of rancour of heart, malice, fede, malgre, and invy, the quhilk I or any of us had, hes, or may have in tyme to come, till any of our said soverane lord's lieges, for any actions, causes, or querrels bygane, and speciallie till all them that had arte or parte of the slaughter or deid of whylum William, Earle of Douglas, my brother, and shall take thay personnes in heartlines and friendship at the ordinance and advyce of our said soverayne lord.

And outter, I bind and obliis me till our said soverayne lord, that all the tenants and maillers being within my lands quatsomever, sall remane with thair tacks and maling quhile Whitsunday come a year, except them that occupies the grangis and steids whilk war in the hand of the said Earle William, my brother, for his own proper goods the tyme of his decease, and yet thay persones to remains with thyr tacks, at our said soverayne lord's will, of the said granges and steids while Whitsunday next to come ; and alswa I bind and oblige me to our said soverayne lord to revock, and be thir present letters revocks, all leagues and bands, if any hes been made be me in any tyme bygane, contrare to our said soverayne lord ; and binds and obliis me, that I shall make na band, na ligg in tyme coming, quhilk sall be contrar til his hienes. Alswa I bind and obliis me till our said soverayne lord, to remitt and forgive, and be thir present letters remitts and forgives till his hienes all maner of mailla, goods spendit, taken, sould, or analied be him or his intromitters, in any manner of wayes before the xxii day of the moneth of July last bypast, before the making of thir present letters. And if any thing be tane of the good of Gallaway, I put me thair of, to our said soveraigne lady, the Queen's will. Alswa I bind and oblige me to our said soveraigne lord, that I shall maintaine, supplie, and defend the borders and the bordarars, and keep the trewes taken, or to be taken, at all my guidly power, and in als far as I aught to do as wardane or liegeman till him. Alswa I bind and oblidge me to doe to our said soverane lord, honor and worschip in als far as lyes in my power, I havand sic sovertie as I can be content of reasoun for safety of my life. Item, I oblige me that all harmes done, and guides taken under assurance be mandit and

restored. In witness of the whilk thing, in fulfilling and keeping all and sundrie articles, poynts, and conditiones beforr written in all manier of forme, force, and effect, as is aforesaid, all fraud and guile away put, I the said James, for me, my brother, and the Lord Hamiltoun, and all our pairts, (averdance,) to ther present letters sett my seall, and for the mair sickerness the haly evangillis twichit, hes given our bodily oath, and subscryved with my own hand at Douglas, the xxviii day of the month of Agust, the year of our Lord jm. four hundreth and fectie-twa years.

Sic subscribitur,

JAMES, EARLE DOUGLAS.

JAMES, LORD HAMILTONE.

Sir Lewis Stewart does not say where the original is preserved; but his transcript is evidently much altered and modernized in the spelling.

LETTER N, page 260.

“Eodem anno Comes Moraviæ frater Comitis de Dowglas cum fratre suo Comite de Ormont, et Johannes Douglas eorundem fratre intraverunt Ananderdail et illam depredati sunt; et spolia ad matrem in Karleil portarunt, presentantes. Quibus (dominus) de Johnston cum ducentis occurrit, et acriter inter illos pugnatum est. In quo conflictu dominus Comes Moraviæ occiditur, et caput ejus regi Jacobo presentabatur, sed rex animositatem viri commendabat, licet caput ignorabat. Occisus eciam fuit Comes de Ormont. Tunc convocato Parlamento annexæ erant illorum terræ, Coronæ regiæ, viz. Ettrick forest, tota Galvaia, Ballinreiff, Gifford, cum aliis multis dominiis Eorundem.”

The manuscript from which this extract is taken, and which has never been printed, is preserved in the Library of the University of Edinburgh. A. C. c. 26.

LETTER O, page 330.

*Rise of the Power of the Boyds.*

The remarkable indenture quoted in the text is preserved amongst the archives of the earldom of Wigtown, in the charter-chest of Admiral Fleming at Cumbernauld.

As only twenty copies of it, printed for private circulation, exist, I am happy to render it more accessible to the Scottish antiquary. It is as follows:

“Yis indentour, mad at Striuelyn, the tend day of februar, the ser of God a thousand four hundreth sixty and fyf zeria, betwyx honourable and worschipful lordis, yat is to say, Robert, Lord Flemyng on ye ta pairt, and Gilbert, Lord Kennedy and Sir Alexander Boid of Duchal, knight, on the todir pairt, yat yai ar fullelie accordit and appointit in maner and form as eftir follouis : Yat is to say, yat ye said lordis are bundyn and oblist yaim selfia, yair kyn, friendis, and men, to stand in afald kendnes, supple, and defence, ilk an til odir, in all yair caussis and querrell leifull and honest, movit and to be movit, for all ye dais of yair liffis, in contrery and aganis al maner of persones yat leiff or dee may ; yair allegiance til our soueran lord alanerly outan, excepend to the lord flemyng, his bandis mad of befoir, to ye Lord Levynston, and to yhe lord Hamilton, and, in lyk maner, excepend to the saidis lordis kennedy and Sir Alexander, yair bandis mad of befoir, til a reverend fadir in Crist, master patrik the graham, bischop of Sanctander, ye Erle af Crawford, ye lord mungumer, the lord maxvel, the lord boid, the lord levynston, the lord hamilton, and the lord Cathcart. Item, yat the said lord flemyng salbe of special service, and of cunsail to the kyng, als lang as the saidis lordis kenedy and Sir Alexander ar speciall seruandis and of cunsail to ye kyng ; the said lord flemyng kepannd his band and kyndnes to the foirsaidis lord kennedy and Alexander, for al the foirsaid tym : And attour, the said lord flemyng is oblist yat he sal nodir wit, consent, nor assent, til (avaa,) nor tak away the kyngis person fra the saidis lord kenedy and Sir Alexander, nor fra na udyr yat yai leff, and ordanis to be doaris to yaim, and keparis in yair abcens ; and gif the said lord flemyng getis, or may get, ony bit of sic thyng to be done in ony tym, he sal warn the saidis lord kennedy and Sir Alexander, or yair doars in do tym, or let it to be done at all his power ; and tak sic part as yai do, or on an of yaim for ye tymin, ye ganstandyng of yat mater, but fraud and gil ; and the said lord fleming sal adwis the kyng at al his pertly power wycht his gud cunsail, to be hertly and kyndly to the foirsaidis lord kenedy and Sir Alexander, to yair barnis and friendis, and yai at belang to yaim for ye tym. Item, giff yair happynis ony vakand to fall in the kyngis handis, at is a resonable and meit thyng for the said lord flemyngis seruice, yat he salbe furdirit yairto for his reward ; and gif yair happynis a large thyng to fal, sic as vard, releiff, marriage, or offis, at is meit for hym, the said lord flemyng sal haff it for a resonable compocicion befoir udir. Item, the saidis lord kennedy and Sir Alexander sal haff thom of Sumerwel and wat of twedy, in special mantenans, supple, and defences, in all yair accionis, causis, and querrel, leful and honest, for the said lord flemyngis sak, and for yair seruiss don and to be don, next yair awyn mastiris, yat yai wer to of befoir.

And, at all and sundry thyngis abovn wryttyn salbe lelily kept, bot fraud and gil, ather of yhe pairtis has geffyn till udiris, yair bodily aithis, the hali evangelist tuychit, and enterchangable, set to yair selis, at day, yheir, and place abovn written."

LETTER P, page 389, and Q, page 402.

*Revolt of his Nobility against James the Third, in 1482.*

The history of this revolt of the nobles against James the Third, as it is found in the pages of Lealey and Buchanan, furnishes a striking example of the necessity of having access to the contemporary muniments and state papers of the period, as the materials from which historical truth must be derived. Lealey was a scholar and a man of talent—Buchanan a genius of the first rank of intellect; yet both have failed in their attempt to estimate the causes which led to the struggle between James and his barons; and it is not, perhaps, too much to say that the narrative of Buchanan, where he treats of this period, is little else than a classical romance. The extent of Albany's treasonable correspondence with Edward the Fourth, his consent to sacrifice the independence of the kingdom, his actual assumption of the title of king, and the powerful party of the nobles by whom he was supported, are all of them facts unknown to this historian, and which the publication of the *Fœdera Angliæ* first revealed to the world. Instead of these facts, which let us into the history of the proceedings of both parties in the state, and afford a pretty clear notion of the motives by which they were actuated, we are presented by Buchanan with a series of vague and scandalous reports, calculated to blacken the memory of the king, arising at first out of the falsehoods propagated by Albany and the nobles of his faction, against a monarch whom they had determined to dethrone, increased by the credulous additions of the common people, and invested by him with all the charms of style which his sweet and classic muse has so profusely scattered over his history. "Hæ quidem in acta publica causæ sunt redactæ. Verum odium regis ob causam privatam conceptum plus ei (i.e. Domino Crichtonio) nocuisse creditur. Erat Gulielmo uxor e nobile Dumbarorum familia nata, abque insigni pulchritudine. Eam cum a rege maritus corruptam comperisset, consilium temerarium quidem sed ab animo amore ægro et injuria irritato non alienum suscepit. Minorem enim e regis sororibus, et ipsam quoque forma egregia et consuetudine fratris infamem, compressit, et ex ea Margaritam Crichtonium quæ non adeo pridem decessit genuit." B. xii. cli. For this complicated tale, which throws the double guilt of adultery and

incest upon the unfortunate monarch, there is no evidence whatever ; and of the first part of it, the inaccuracy may be detected. William, third Lord Crichton, did not marry a daughter of the noble house of Dunbar. The Lady Janet Dunbar was his mother, not his wife. (Douglas's Peerage, vol. i. p. 609. Crawford's Officers of State, p. 311. Sutherland case, by Lord Hailes, c. vi. p. 81.) On the other hand, it seems almost certain that William, third Lord Crichton, the associate of Albany, of whom Buchanan is speaking, did marry Margaret, sister to James the Third ; but the dark aspersions of her previous connexion with her brother, the king, is found, as far as I have yet seen, in no historian prior to Buchanan, not even in the credulous Boece, whose pages are sufficiently hostile to James the Third, to induce us to believe that the story would not have been neglected. That the treaty of Albany with Edward the Fourth, and his assumption of the royal title, should have been unknown to Buchanan and Lealey, to whom all access to the original records was probably impossible at the time they wrote, is not extraordinary ; but it is singular that the circumstances illustrative of this period of our history should have escaped the notice of Mr Aikman, the latest translator of Buchanan. As to Lealey, the causes which he assigns for the hostility of the nobility to James and his favourites, are his having suffered Cochrane to debase the current coin, by the issue of copper money, unmeet to have course in the realm ; the consequent dearth and famine throughout the country ; his living secluded from his queen and his nobles, and his entertaining, in place of his royal consort, a mistress, named the Daisy ; the slaughter of the Earl of Mar, his brother, and the banishment of the Duke of Albany. With regard to the first of these subjects of complaint, the issue of a new copper coin, the fact is certain, and the discontent and distress which it occasioned cannot be doubted. In the short Chronicle at the end of Winton's MS. Reg. 17, d xx. printed by Pinkerton, Appendix, vol. i. p. 502, Hist. of Scotland, is the following passage :—"Thar was ane gret hungyr and deil in Scotland, for the boll of meill was for four pounds ; for thair was black cunye in the realm strikin and ordynit be King James the Thred, half pennys, and three penny pennys innumerabill, of copper. And thai yeid twa yeir and mair : And als was gret weir betwix Scotland and England, and gret distruction thro the weiris was of corne and cattel. And thai twa thyngs causyt bayth hungar and derth, and mony pair folk deit of hunger. And that samyn yeir, in the moneth of July, the Kyng of Scotland purposyt till haif passit on gaitwart Lawdys : and thar the Lords of Scotland held thair counsaill in the Kirk of Lawdys, and cryit doun the black silver, and thai slew ane pairt of the Kyng's housald ; and other part thai

banyst; and thai tuke the Kyng himself, and thai put hym in the Castell of Edinburgh in firm kepyng. \* \* And he was haldyn in the Castell of Edynburgh fra the Magdalyne day quhill Michaelmas. And than the wictall grew better chaip, for the boll that was for four pounds was than for xxii. sh. of quhyt silver." The circumstance of crying down the black money is corroborated by the act passed in the parliament of 1473, c. 12, "and as touching the plakkis and the new pennys, the lordis thinkis that the striking of thame be cessit. And they have the course that they now have unto the tyme that the fy-nance of them be knawin. And whether they halde five shillings fyne silver of the unce, as was ordainit by the King's hienes, and promittit by the cunzeours."<sup>1</sup> So far the narrative of Lealey is supported by authentic evidence; but that Cochrane was the adviser of this depreciation of the current coin, does not appear in any contemporary record; and the assertion of James's attachment to a mistress, called the Daisy, who had withdrawn his affections from the queen, rests solely on the authority of the later and more popular historians.

LETTER R, page 442.

*Inventory of the Jewels and Money of James the Third.*

As the inventory referred to in the text is valuable, from the light which it throws upon the wealth and the manners of Scotland at the close of the fifteenth century, I am sure the antiquarian, and, I trust, even the general reader, will be gratified by its insertion. It is extracted from the Accounts of the Lord High-treasurer of Scotland, and a few copies have been already printed, although not published, by Mr. Thomson, to whom this volume is under repeated obligations, and who will not be displeased by its curious details being made more generally accessible to the public.

INVENTARE OF ANE PARTE OF THE GOLD AND SILVER, CUNYEIT AND UNCUNYEIT, JOWELLIS, AND UTHER STUFF, PERTENING TO UNQUHILE OURS SOVERANE LORDIS FADER, THAT HE HAD IN DEPOIS THE TYME OF HIS DECKIS, AND THAT COME TO THE HANDIS OF OUR SOVERANE LORD THAT NOW IS.

M.CCCC.LXXXVIII.

Memorandum deliuerit be dene Robert hog channoun of halirud-house to the thesaurar, tauld in presens of the chancellor, lord Lile, the prior of Sanctandrois, in a pyne pig<sup>2</sup> of tynn.

<sup>1</sup> Acts of the Parliament of Scotland, vol. ii. p. 105.

<sup>2</sup> Pyne Pig; perhaps our modern Scots "penny pig."



In the fyrst of angellis twa hundreth four score & v angellis  
 Item in ridaris nyne score and aucht ridaris  
 Item in rialis of France fyfty and four  
 Item in unicornis nyne hundrethe & four score  
 Item in demyis & Scottis crounis four hundreth & tuenti  
 Item in rose nobilis fyfti and four  
 Item in Hari nobilis & salutis fourti & ane  
 Item fyftene Flemis ridaris  
 Item tuelf Lewis  
 Item in Franche crounis thre score and thre  
 Item in unkennyt<sup>1</sup> golde ——— thretti pundis

Memorandum, be the command of the king, thar past to the castell to see the jowalis, silver money, & uther stuff, the xvii day of Junii, the yer of god one thousand four hundreth and eighty-eight yeris, thir persouns under writtin, that is to say

The erle of Angus  
 The erle of Ergile  
 The bischope of Glasgw  
 The lord Halis  
 The lord Home  
 The knycht of Torfichane thesaurar

Memorandum, fund be the saidis personis in the blak kist, thre cofferis, a box, a cageat.<sup>2</sup>

Item fund in the maist of the said cofferis, lous & put in na thing, bot liand within the said coffyr, fyve hundreth, thre score ten rois nobilis, and ane angell noble  
 Item in a poik of canves, beand within the said coffre, of angell nobilis, sevin hundreth and fyfty angelis  
 Item in a litill purs, within the said coffre, of quarteris of rois nobilis, sevin score nyne rois nobilis, a quarter of a nobill.  
 Item in a litill coffre, beand within the said coffre, of rois nobilis sevin hundreth fyfty & thre nobilis  
 Item in a litill payntit coffre, beand within the said blak kist, of Henry nobilis a thousand thre hundreth, and sevintene nobillis  
 Item in ane uther coffre, beand within the said blak kist, a poik of canves, with demyis contenand aucht hundreth, ane less  
 Item in a box, beand within the said blak kist, the grete bedis of gold, contenand six score twa bedis, and a knop

<sup>1</sup> Gold of unknown denomination.

<sup>2</sup> Cageat—casket. Jamieson, who quotes this inventory.

Item in the said box, a buke of gold like ane tabell, and on the glasp of it, four perlis, and a fare ruby

Item in the said box the grete diamant, with the diamantis sett about it

Item in the said box, a thing of gold with a top like a tunnele

Item in the same box a stomok,<sup>1</sup> & on it set a hert, all of precious stains, & perle

Item in a trouch<sup>2</sup> of cipre tre within the said box, a point maid of perle, contenand xxv perle with hornis of gold

Item twa tuthpikis of gold with a chenye, a perle, & erepike, a moist ball of gold, ane hert of gold, with uther small japis<sup>3</sup>

Item in a round buste, within the said box, a cors of gold, with four stanis. Item a collar of gold, twa glassis with balme

Item in a litill paper, within the said box, ane uche, with a diamant, twa hornis, four butonis horse nalis blak

Item ane uche<sup>4</sup> of gold, like a flour the lis, of diamantis & thre bedis of gold, a columbe of gold & twa rubeis.

Item in a cageat, beand within the said blak kist, a braid chenye, a ball of cristal

Item a purs maid of perle, in it a moist ball,<sup>5</sup> a pyn<sup>6</sup> of gold, a litill chenye of gold, a raggit staff, a serpent tounge sett

Item in the said cageat, a little coffre of silver, oure gilt, with a litil saltfat<sup>7</sup> and a cover

Item a mannach<sup>8</sup> of silver

Item in a small coffre, a chenye of gold, a hert of gold, anamelit, a brassalet of gold, sett with precious stanis

Item a collar of gold maid with eliphantis and a grete hingar at it

Item sanct Michael of gold with a perle on his spere

Item a quhissill<sup>9</sup> of gold

Item a flour the lys of gold

Item a ryng with a turcas<sup>10</sup>

Item a small cors with twa pecis of gold at it

Item a grete precious stane

Item a litil barrell maid of gold

Item twa berialis, and a grete bene

Item in a litill coffre, a grete serpent tounge, set with gold, perle, & precious stanis, and twa small serpent toungeis set in gold, and ane ymage of gold

<sup>1</sup> Stomok—stomacher. Jamieson.

<sup>2</sup> Trough—a deep long box.

<sup>3</sup> Japis—playthings, trifles.

<sup>4</sup> Uche—brooch. Not in Jamieson.

<sup>5</sup> A moist ball—a musk ball.

<sup>6</sup> Pyn—pin.

<sup>7</sup> Saltfat—saltcellar.

<sup>8</sup> Unknown; perhaps a little man. Not in Jamieson.

<sup>9</sup> Quhissill—whistle.

<sup>10</sup> Turquois.

Item in ane uther coffre, beand within the blak kyst, ane roll with ringis, ane with a grete saffer,<sup>1</sup> ane emmorant,<sup>2</sup> a stane of pillar, and ane uther ring

Item in the same coffre ane uther roll with ringis, ane with a grete ruby, & uther iiii ringis

Item ane uther roll with ringis in it, of thame, thre grete emmorantis, a ruby, a diamant

Item a roll of ringis, ane emmorant, a topas, & a diamant

Item ane uther roll of ringis, ane with a grete turcas, and ane uther ring

Item a roll with sevin small ringis, diamantis, rubeis, & perle

Item a roll with ringis, a turcas, a stane of pillar, & a small ring

Item a roll with ringis, a ruby, a diamant, twa uther ringis, a berial<sup>3</sup>

Item in ane uther small coffre, within the said blak kyst, a chenye with ane uche, in it a ruby, a diamant, maid like a creill

Item a brasselat of gold, with hede & pendes<sup>4</sup> of gold

Item sanct Antonis cors, and in it a diamant, a ruby, and a grete perle

Item a grete ring with a topas

Item a wodward<sup>5</sup> of gold with a diamant

Item ane uche of gold, made like a rose of diamantis

Item a kist of silver, in it a grete cors, with stanis, a ryng, a berial hingand at it

Item in it the grete cors of the chapell, sett with precious stanis

Memorandum, fundin in a bandit kist like a gardeviant,<sup>6</sup> in the fyrst the grete chenye of gold, contenand sevin score sex linkis

Item thre platis of silver

Item tuelf salfatis

Item fyftene discheis ouregilt

Item a grete gilt plate

Item twa grete bassingis ouregilt

Item four masaris,<sup>7</sup> callit King Robert the Brocis, with a cover

Item a grete cok maid of silver

Item the hede, of silver, of ane of the covers of masar

Item a fare diaile

Item twa kasis of knyffis

Item a pare of auld knyffis

Item takin be the smyth that opinnit the lokkis, in gold fourty demyis

<sup>1</sup> Sapphire.

<sup>2</sup> Emerald.

<sup>3</sup> Beryl.

<sup>4</sup> Pendants.

<sup>5</sup> Unknown.

<sup>6</sup> Cabinet. Jamieson.

<sup>7</sup> Drinking cups. An interesting item—four drinking cups of Robert the Bruce's.

Item in Inglys grotis—xxiiii li. & the said silver gevin agan to the takaris of hym

Item ressavit in the cloissat of Davidis tour<sup>1</sup> ane haly water fat of silver, twa boxis, a cageat tume, a glas with rois water, a dosoune of torchis,<sup>2</sup> king Robert Bruce's serk<sup>3</sup>

Memorandum, gottin in the quenis kist, quhilk come fra Striveling, in a litill coffre within the same, In the fyrst a belt of crammassey<sup>4</sup> hernessit with gold & braid

Item a braid belt of blak dammas, hernessit with gold

Item a small belt of claith of gold, hernessit with gold

Item a belt of gold, unhernessit

Item twa bedis of gold

Item a litill belt of gold, hernessit with gold

Item in a box beand within the said kist, a collar of casedonis, with a grete hingar of moist, twa rubeis, twa perlis contenand xxv small casedonis set in gold

Item a chenye of gold maid in fassone of frere knottis,<sup>5</sup> contenand fourti four knottis

Item a pare of bedis of gold contenand fyfti & sex bedis

Item a grete chenye of gold, contenand of linkis thre score and a lynk

Item ane uther chenye of gold gretar, contenand fifti and aucht linkis

Item a frete<sup>6</sup> of the quenis oure set with grete perle, sett in fouris & fouris

Item viii uchis of gold sett with stanis & perle

Item tuenti hingaris of gold set with rubeis

Item a collar of gold fassonit like rois anamelit

Item a serpent tounge, & ane unicorne horne, set in gold

Item a grete hingar of gold with a ruby

Item a grete ruby set in gold

Item a hingar with a diamant & a grete perle

Item a diamant set in gold

Item a small chenye w<sup>t</sup> ane hingar set with diamantis in maner of . M . and a grete perle

Item a grete safer set in gold

Item a hert of gold with a grete perle at it

Item a small chenye with ane hingar of rois & diamant

<sup>1</sup> David's Tower, in the castle.

<sup>2</sup> Perhaps his mail shirt.

<sup>3</sup> Friar's beads.

<sup>4</sup> Unknown; perhaps turquoises.

<sup>5</sup> Crimson.

<sup>6</sup> A large hoop or ring.

Item ane hinger of gold with twa perle without stanis

Item in a clout nyne precious stanis unsett

Item in a box in the said kist a collar of gold, with nynetene diamantis

Item a collar of rubeis, set with threis of perle contenand xxx perlis and xv rubeis with ane hinger, a diamant, and a grete perle

Item ane ege of gold with four grete diamantis pointit and xxviii greté perlis about thame

Item ane uther grete ege with viii rubeis and xxxvi perlis grete

Item in the said kist of the quenis ane string of grete perle contenand fyfti & a perle, and stringis of small perle

Item twa lingattis<sup>1</sup> of gold

Item sex pecis of the said chenye of gold frere knottis

Item twa grete ringis with saferis

Item twa ringis with turcacis

Item a ring with a paddokstane with a charnale<sup>2</sup>

Item a ring with a face

Item a signet & na thing in it

Item thre small ringis with rubeis

Item fyve ringis with diamantis

Item a cassit collar of gold, maid like suannis, set in gold, with xvi rubeis, and diamantis, and viii quhite suannis & set with double perle

Item a grete round ball, in maner of a chalfer, of silver ouregilt

Item a levare<sup>3</sup> of silver ouregilt with a cover

Item a cop with a cover ouregilt & punchit

Item thre brokin gilt pecis of silver

Item thre quhite pecis, a fut & a cover of silver, ouregilt

Item a grete vice nail maid of silver

Item twa brokin platis of silver and a dische

Item in a gardeviant in the fyrst a grete hostrage fedder<sup>4</sup>

Item a poik of lavender

Item a buke with levis of golde with xiii levis of gold fulye

Item a covering of variand purpir tarter, browdin with thrissillis & a unicorn

Item a ruf & pendiclis of the same

Item a pare of metingis<sup>5</sup> for hunting

<sup>1</sup> Ingot.

<sup>2</sup> A hinge.

<sup>3</sup> Laver.

<sup>4</sup> Ostrich feather.

<sup>5</sup> Hunting gloves.

Item the surples of the robe riall

In ane uther gardeviant, in the fyrst a lamp of silver, a corporale with a cáis. Item thre quhippis<sup>1</sup> and twa bukis

Memorandum, gottin in a box quhilk was deliverit be the countas of Athole, and tauld in presens of the chancellor, lord Lile, the prior of Sanctandrois & the thesaurar. In the fyrst, in a purs of ledder within the said box, thre hundreth rois nobilis of the quhilkis thare is vii Hari nobilis

Item in the same purs of half rois nobillis fyve hundreth hail rois nobillis, sextene rois nobillis

Item gottin in ane uther box, fra the said countas, the xxi day of Junii, in a canves poik, within the said box, tuelf hundreth & sevin angel nobillis<sup>2</sup>

Item in ane uther purs, of ledder, beand in the same box, ane hundreth angelis

Item in the same purs, thre hundreth fyfti & sevin demyis

Memorandum, fund in a blak coffre quhilk was brocht be the abbot of Arbroth, in the first the grete sarpe<sup>3</sup> of gold contenand xxv schaffis with the fedder betuix

Item a water pot of silver.

Item a pare of curale bedis, and a grete muste ball

Item a collar of cokkilschellis contenand xxiii schellis of gold

Item a bane coffre, & in it a grete cors of gold, with four precious stanis and a chenye of gold

Item a beid of a casedonne

Item twa braid pecis of brynt silver bulliounne

Item in a leddering purs, beand in the said blak coffre, tuelf score & xvi salutis

Item in the same purs thretti & sex Lewis and half nobilis

Item in the same purs four score and thre Franche crounis

Item in the same purs fourtene score of ducatis, and of thame gevin to the erle of Angus fyve score and six ducatis

Item in the said coffre, quhilk was brocht be the said abbot, a litil cors with precious stanis

Item in a blak box brocht be the said abbot to the toune of Perth the xxvi day of Junii, in the first, lows in the said box, four thousand thre hundreth and fourti demyis

<sup>1</sup> Whips.

<sup>2</sup> Thir boxis put in the thesaurhous in the grete kist nerrest the windo.

<sup>3</sup> Belt.

Item in a purs of ledder in the said box four hundreth tuenti & viii Lewis of gold, and in the same purs of ledder, of Franche crounis fyve hundreth thre score and sex. And of thame twa salutis and four Lewis

Item in a quhite coffre of irne deliverit be the said abbot, thre thousand, nyne hundreth, four score & viii angelis

Memorandum, ressavit in Scone, be the thesaurar, in presens of the bischop of Glasgw, lord Lile, the prior of Sanctandrois, Patrik Home, & lord Drummond, the xxiii day of Junii, in Avereis box, lous, without ony pura, a thousand and thretti Hari nobilis

Item in a purs of ledder, within the said box, a thousand & twenti rois nobilis, and in the said purs fyfti & four Hari nobilis in half Hari nobilis

Item a grete gugeounne<sup>1</sup> of gold

Item there was a writ fund in the said box sayand, in hac boxa xii c Hari nobilis, et in eadem boxa, xi c rois nobilis

Thir ar the names of thame, that wist of the said box quhen it was in the myre

James Averi

William Patonsone

William Wallace

Item ressavit fra lang Patric Hume, & George of Touris, xvi skore of Hare nobelis, quhilkis tha had of a part of the money takin be the Cuntas of Atholl and Johnne Steward

Item of the same some & money gevin to the said Patric for his reward - - - fourti Hare nobilis

THE COMPT of schir William Knollis, lord saint Johnnis of Jerusalem, &c. thesaurar till our soverain lord maid at Edinburgh the xxiiii day of Februar, the yer of god &c. nynte ane yeris. . . . .  
 . . . . .  
 of all his ressait & expens fra the ferd day of the moneth of Junii in the yer of god &c. aucty and aucht yeris unto the day of this present compt

In the first he chargis him with vii<sup>m</sup> v<sup>c</sup> lxxxvii ð iii ð in gold of sex thousand thre hundreth thretty a pece of angell nobillis ressavit be the comptar as is contenit in the beginning of this buke writtin

<sup>1</sup> Unknown.

with Johnne Tyriis hand, And with ii° xvi ti iiii s̄ in gold of ane hundreth fourscore aucht Scottis ridaris, as is contenit in this sammyn buke

And with liiii ti be fifty four Fraunce riallis of gold

And with viii° lxxxii ti be nyne hundreth fourscore unicornis

And with vi° lxvi ti xiiii s̄ iiii d̄ in ane thousand Scottis crownis

And with J<sup>m</sup> iiii° xxxiii ti vi s̄ viii d̄ in tua thousand demyis ressaunt and gevin for a merke the pece.

And with ii<sup>m</sup> lxix ti iiii s̄ in tua thousand nyne hundreth fifty sex demyis gevin the pece for fourtene schillingis.

And with vi<sup>m</sup> xix ti ix s̄ in thre thousand thre hundreth fifty five rose nobillis and ane quarter, the quhilk wer gevin for thretty sex schillings the pece, except four hundreth that war gevin for thretty five schillings the pece

And with iiiiii° iiii° lxvi ti viii s̄ in tua thousand sevin hundreth twenty nyne Hary nobillis gevin for thretty tua schillingis the pece

And with x ti v s̄ in fiftene Flemis ridaris fiftene schilling the pece.

And with iiiii° xxxii ti in four hundreth four score Lewis and halve rose nobillis gevin for aughtene schilling the pece

And with iiiii° lxxxxiiii ti iiii s̄ in sevin hundreth sex Fraunce crounis gevin for fourtene schillingis the pece

And with xxx ti in Duch gold

And with ii° vi li viii s̄ in tua hundreth fifty aucht salutis gevin for sextene schillingis the pece

And with i° xxxix li iiii s̄ in ane hundreth sevinty four ducatis gevin for sextene schillingis the pece

Summa of this charge xxiiii<sup>m</sup> v° xvii li x s̄

. . . . .

LETTER S, page 444.

*Margaret Drummond, mistress to James IV.*

From a note of the Rev. Mr Macgregor Stirling's, in his valuable manuscript collections on the chronology of the reign of James the Fourth, I am enabled to give some curious particulars regarding this unfortunate favourite of James the Fourth. She was daughter of John, first Lord Drummond, and the king seems to have become attached to her at an early period. In his first parliament, 3d October, 1488, she had an allowance for dresses (mentioned in the text, p. 444.) She bore a daughter to the king in 1496, as it may be presumed from an entry in the Lord High Treasurer's Books, which states, that



twenty-one pounds seven shillings, had been expended on the "Lady Mergetis dochter." In Douglas's Peerage, vol. i. p. 51, and vol. ii. p. 361, she is mentioned as having been poisoned in 1501. But she appears to have been alive on 24th June, 1502, as in the Treasurer's Books, under that date, is the following entry: "Item, the xxiii day of Junii, the kyng wes in Drummonde giffin to Mergrett Drummonde be the kingis commande, twenty-one pounds. Item, to her nuriss forty-one pounds." It is possible, however, this may have been the king's daughter, not his mistress. Great mystery hangs over the death of this royal favourite, and the most minute account is to be found in a celebrated work where one would certainly little expect to meet an obscure portion of Scottish history—Moreri's Dictionary. It is taken from a MS. history of the family of Drummond, composed in 1689. Speaking of the first Lord Drummond—"He had," says this author, "four daughters, one of whom, named Margaret, was so much beloved by James the Fourth, that he wished to marry her; but as they were connected by blood, and a dispensation from the pope was required, the impatient monarch concluded a private marriage, from which clandestine union sprung a daughter, who became the wife of the Earl of Huntley. The dispensation having arrived, the king determined to celebrate his nuptials publicly; but the jealousy of some of the nobles against the house of Drummond, suggested to them the cruel project of taking off Margaret by poison, in order that her family might not enjoy the glory of giving two queens to Scotland." (Moreri sub voce Drummond.) It is certain that Margaret Drummond, with Euphemia Lady Fleming, and the Lady Sybilla, her sisters, died suddenly at the same time, with symptoms exciting a strong suspicion of poison, which it was thought had been administered to them at breakfast. So far the story substantially agrees with Moreri; but that the unfortunate lady fell a victim to the jealousy of the Scottish nobles, rests on no authentic evidence; nor does this explain why her two sisters, Lady Fleming and Lady Sybilla, should have shared her fate. The story tells more like some dreadful domestic tragedy, than a conspiracy of the aristocracy to prevent the king's marriage to a commoner. Besides this, it is shown by a deed preserved in the *Fœdera*, vol. xii. p. 787, that James, previous to the catastrophe of Margaret Drummond, had entered into an indenture, binding himself to marry the Princess Margaret of England; a circumstance certainly not wholly disproving the story of her having fallen a victim to aristocratic jealousy, but rendering it more improbable. If the dispensation for James's marriage with Margaret Drummond had been procured, it is probable that it would have been discovered by Andrew Stewart during those investigations into the

papal records which he instituted at Rome on the subject of the great Douglas case, when he accidentally fell upon the documents which settled the long agitated question regarding the marriage of Robert the Second to Elizabeth More. The three ladies thus united in death, were interred together in the centre of the choir of the cathedral church at Dunblane. Their grave was marked by three plain blue marble flags, which remained untouched till 1817, when they were removed to make way for some repairs on the parochial church, into which the choir of the ancient cathedral had been transformed. Sir Walter Drummond, lord-clerk register, their paternal uncle, was, at the time of their death, Dean of Dunblane, a circumstance, says Mr Stirling, which seems to have led to their interment there, the family having lately removed from Stobhall, their original seat on the banks of the Tay, to Drummond castle, where they probably had no place of interment. An entry in the Treasurer's Books, June 18, 1503, shows that the king's daughter by Margaret Drummond, had some time before been removed from Drummond castle to the palace at Stirling : — "Item to the nuriss that brocht the king's dochter fra Drummyne to Strivillin, 3 lbs. 10 sh." The child was brought up in Edinburgh castle under the name of the Lady Margaret ; — she married John lord Gordon, son and heir-apparent of Alexander earl of Huntley, (Mag. Sig. xv. 193. 26th April, 1510.) In the Treasurer's Books, under the 1st February, 1502-3, is this entry : — "Item to the priests of Edinburgh for to do dirge and saule messe for Mergratt Drummond v lb." Again, February 10, 1502-3. "Item to the priests that sing in Dumblane for Margaret Drummond their quarters fee v lbs." Entries similar to this are to be found in the Treasurer's Books, as far as they are extant, down to the end of the reign, from which it appears that two priests were regularly employed to sing masses for her soul in Dunblane.

LETTER T, page 456.

*Sir Andrew Wood of Largo.*

The connexion of this eminent person with James the Third is illustrated by a charter under the great seal, x. 87, dated 8th March, 1482, which states that this monarch had taken into consideration "Gratuita et fidelia servicia sibi per familiarem servitorem suum ANDREAM WOD commorante in Leith, tam per terram, quam per mare, in pace et in guerra, gratuito impensà, in Regno Scotiæ et extra idem, et signanter contra inimicos suos Angliæ, et dampnum per ipsum Andream inde sustenta, suam personam gravibus vitæ exponendo

periculis." On this ground it proceeds to state that James granted to him and his heirs, hereditarily and in fee, the lands and village of Largo in the sheriffdom of Fife. It is probable that Wood was originally a merchant trader of Leith, and that a genius for naval enterprise was drawn out and cherished by casual encounters with pirates in defence of his property;—after which, his talents as a brave and successful commander becoming known to James the Third, this monarch gave him employment, not only in war and against his enemies of England, but in diplomatic negotiations. It has been stated in the text, that the brilliant successes of Wood during the reign of James the Fourth were against English pirates. This fact seems established by a charter under the great seal, xii. 304, 18th May, 1491, in which James the Fourth grants to Andrew Wood a license to build a castle at Largo with iron gates, on account of the great services done and losses sustained by the said Andrew, and for the services which it was confidently hoped he would yet render; and because the said Andrew had, at great personal expense, built certain houses and a fortalice, on the lands of Largo, by the hands of Englishmen captured by him, with the object of resisting and expelling pirates who had often invaded the kingdom, and attacked the lieges. The existence of a truce between the two kingdoms at the time when these actions of Wood are described as having taken place, neither throws any suspicion on the truth of this assertion, nor proves that Henry may not have privately encouraged the expedition of Stephen Bull against Wood. A truce existed between the kingdoms, and proposals for bringing about a final peace on the basis of a marriage between James and an English princess were actually under consideration, when Henry had bribed the Lord Bothwell and Sir Thomas Tod to seize the Scottish king and deliver him into his hands, (Rymer, vol. xii. p. 440.) Some of the items of this date, 1491, in the Treasurer's Accounts, prove, in a very convincing manner, that James, in all probability in consequence of the advice and instructions of Andrew Wood, had begun to pay great attention to every thing calculated to increase the naval strength of the kingdom. He built ships at his own expense, made experiments in sailing, studied the principles of navigation and gunnery, and attached to his service, by ample presents, such foreign captains and mariners as visited his dominions for the purposes of trade and commerce.

LETTER U, page 485.

*Mons Meg.*

Popular as Mons Meg has been amongst the Scottish antiquaries of the nineteenth century, her celebrity, when she was carried by James the Fourth, July 10, 1489, to the siege of Dunbarton, if we may judge from some of the items in the Treasurer's Books, was of no inferior description. Thus, under that date we have this entry:—"Item given to the gunners to drink-silver when they cartit Monss, by the king's command, 18 shillings." Mons, however, from her enormous size and weight, proved exceedingly unmanageable; and after having been brought back from Dunbarton to Edinburgh, she enjoyed an interval of eight years' inglorious repose. When James, however, in 1497, sat down before Norham, the great gun was, with infinite labour and expense, conveyed to the siege, and some of the items regarding her transport are amusing. The construction of a new cradle or carriage for her seems to have been a work of great labour. Thus, on July 24, 1497, we have, "Item to pynouris to bere ye trees to be Mons new cradill to her at St Leonards quhare scho lay, iii sh. vi<sup>d</sup>;" and again, July 28, "Item for xiii stane of irne to mak graith to Monsis new cradill, and gavilokkis to ga with her, xxx sh. liii<sup>d</sup>." "Item to vii wrights for twa dayis and a half ya maid Monsis cradill, xxiii sh. liii<sup>d</sup>." "Item for xxiiii li of talloun [tallow] to Mons." "Item for viii elne of canwas to be Mons claiths to cover her." "Item for mare talloun to Mons." "Item to Sir Thomas Galbraith for paynting of Monsis claiths, xiiii sh." "Item to the Minstralis that playit before Mons doune the gait, xiiii sh." The name of this celebrated gun, as stated in the Treasurer's Accounts, is simply Mons. Drummond of Hawthornden is the first author who calls her Mons Meg. For these curious particulars I am indebted to the manuscript notes of the Rev. Mr Macgregor Stirling.

LETTER X, page 485.

*Perkin Warbeck.*

It is difficult to solve the problem whether James was a sincere believer in the reality of Warbeck's pretensions. I am inclined to think that, from political motives, he first entered into the intrigues with the Duchess of Burgundy, which commenced soon after Lambert Simnel's defeat and capture—though without any steady conviction

of the truth of Warbeck's story—but that he became afterwards, on the arrival of this extraordinary person in Scotland, a convert to his being a son of the Duke of York; and that he entertained the same opinion, even when he found it necessary to advise his departure from Scotland. Of the residence of Warbeck in this country, the Treasurer's Accounts furnish some curious illustrations. It appears that Jamie Doig, a person whose name occurs frequently in the Treasurer's Books, and who is embalmed in Dunbar's Poems, "tursed the arras work," or arranged the hanging and tapestry at Stirling on the 20th November, 1495, in contemplation of Prince Richard's arrival.—(Treasurer's Books under that date.) A person named David Caldwell, received eighteen shillings for the "graithing" or furnishing of his chamber in the town; and couriers were sent with letters to the Lords of Strathern and Athole, and to the earl marshal and the barons of Angus, requiring them to attend upon the meeting of the king and Prince Richard in Saint Johnston. (Treasurer's Book, sub anno 1495.) It is mentioned in the text that a tournament was held in honour of his arrival, and many entries in the Treasurer's Books relate to it and to the preparations at the same time for the war against England. Thus, on the 9th September, 1496. "Item, for an elne, half a quarter, and a nail of double red taffety to the Duke of Zorkis banare—for the elne, xviii sh.—xxi sh. iiii d. Item, given for ii<sup>o</sup> of gold party for the Duke of Zorkis banere, xxvii sh. vii d. Item, for iii quaris of a silver buke to the same banare, vi sh. Item, for half a book of gold party to ye Duke of Zorkis standart, xx sh. Item, for a book of fine gold for the king's coat armour, iii lb. x sh. Item, to the Duke of York in his purse by the king's command, xxxvi lb." In the following entry we find mention of an "indenture," drawn up between James and the Duke of York, which is now unfortunately lost. "Item, given to Roland Robison (he was a French gunner or engineer, who had probably been in Warbeck's service when at the court of Charles the Eighth) for the red (settlement) of the Inglismen to the sea, like as is contenit in an indenture made betwixt the king's gude grace and the Duke of Zork, ii<sup>o</sup> lb."

It is probable that one of the conditions entered into by James in this indenture was to pay to Warbeck a monthly pension of one hundred and twelve pounds. Thus, in the Treasurer's Books, May 6, 1497, we find this entry. "Item, to Roland Robison, for his Maisteris" ("Zork" on the margin) "monethis pensioun, i<sup>o</sup> xii lb." Again, June 7, 1497. "Item, to Roland Robison and the Dean of Zork, for their Maisteris monethis pension, i<sup>o</sup> xii lb." And again, June 27. "Giffin to the Dean of Zork and Roland Robison for the Dukis (of Zorkis) monethlie pensioun to come in, i<sup>o</sup> xii lb." This large allowance, which

amounted to one thousand three hundred and forty-four pounds yearly, was probably one great cause for James's anxiety to see Warbeck out of the kingdom ; for, besides the pension to the Duke of York, it must be recollected that the king supported the whole body of his English attendants ; and the entries of payments to Roland Robison for "redding," or settling, the Englishmen's costs, are numerous. Warbeck, too, appears to have been extravagant ; for notwithstanding his allowance, he had got into debt, and had pledged his brown horse, which he was forced to leave in the innkeeper's hands, although thirteen shillings would have set him free. "Item, giffin to the prothonotare to quit out the Duke of Zorkis brown horse that lay in wed in the tounne, xiii sh." The same Books contain a minute detail of the victualling of the ship in which Warbeck, accompanied by his wife, Lady Catherine Gordon, quitted Scotland. The vessel was not only under the command, but was the property of the afterwards celebrated Robert Bertoune. Amongst the stores were "twa tun and four pipes of wine, eight bolls of aite male (oatmeal,) eighteen marts of beef, twenty-three muttuns, and a hoghead of herring." Andrew Bertoune, the brother of the captain, is mentioned as having furnished biscuit, cider, and beer for the voyage. The Duchess of York, by the king's command, received three elns and a half of "rowane cannee," to make her "ane see gounne," with two elne and a half of ryssilis black, to make her cloaks. It is well known, that after the execution of Warbeck in 1498, the extraordinary beauty and misfortunes of this lady induced Henry the Seventh, whose disposition, although cautious, does not appear to have been either cold or unamiable, to treat her with kindness and humanity. The populace applied to her the epithet of the White Rose of Scotland. She was placed under the charge of the queen, received a pension, and afterwards married Sir Mathew Cradock of North Wales, ancestor of the Earls of Pembroke.—(Stewart's Genealogy, p. 65.) From an entry in the privy purse expenses of Henry the Seventh, published by Sir Harris Nicolas, (p. 115, part ii. of the *Excerpta Historica*,) she seems to have been taken on 15th October, 1497.

Sir Mathew Cradock and the White Rose had an only daughter, Margaret, who married Sir Richard Herbert of Ewyas, natural son of William, first Earl of Pembroke. (Dugdale's *Baronage*, vol. ii. p. 255.) Their son, William, on the extinction of the legitimate male line of the Earls of Pembroke, was created Earl of Pembroke by Edward the Sixth. (Dugdale's *Baronage*, vol. ii. p. 258.)

Sir Mathew Cradock and the Lady Catherine, his wife, are interred in the old church at Swansea, in Glamorganshire, under a

